(6)

Supreme Court, U.S.
FILED
NOV 8 1994
OFFICE OF THE CLERK

No. 93-1823

IN THE

# Supreme Court of the United States

OCTOBER TERM, 1994

STATE OF MISSOURI, *et al.*,
*Petitioners,*

v.

KALIMA JENKINS, *et al.*,
*Respondents.*

On Writ of Certiorari to the
United States Court of Appeals for the Eighth Circuit

## JOINT APPENDIX
### VOLUME I — PAGES A-1 - A-353

JEREMIAH W. (JAY) NIXON
Attorney General of Missouri

JOHN R. MUNICH*
Chief Counsel for Litigation

MICHAEL J. FIELDS
BART A. MATANIC
JANE E. EILERMANN
NORMAN E. SIEGEL
Assistant Attorneys General
P.O. Box 899
Jefferson City, Missouri 65102
(314) 751-3321

ARTHUR A. BENSON II*
1000 Walnut Street
Kansas City Missouri 64106
(816) 842-7603

JAMES S. LIEBMAN
Columbia University
School of Law
435 West 1116th Street
New York, New York 10027
(212) 854-3423

*Counsel of Record

*(Counsel continued on inside front cover)*

PETITION FOR WRIT OF CERTIORARI FILED MAY 16, 1994
CERTIORARI GRANTED SEPTEMBER 26, 1994

St. Louis Law Printing, Inc. 13307 Manchester Rd. St. Louis, MO 63131 314-231-4477

360 pp

*(continued from front cover)*

CARTER G. PHILLIPS
MARK D. HOPSON
JANET M. LETSON
SIDLEY & AUSTIN
1722 Eye Street, N.W.
Washington, D.C. 20006
(202) 736-8000

*Counsel for Petitioners*

ELAINE R. JONES
THEODORE M. SHAW
NAACP LEGAL DEFENSE & EDUCATION FUND
99 Hudson Street
New York, New York 10013
(212) 219-1900

*Attorneys for Respondent Jenkins, et al.*

ALLEN R. SNYDER*
PATRICIA A. BRANNAN
JOHN W. BORKOWSKI
HOGAN & HARTSON, L.L.P.
555 Thirteenth Street, N.W
Washington, D.C. 20004
(202) 637-5600

*Counsel for Respondent Kansas City, Missouri School District*

SCOTT A. RAISHER*
FREDERIC O. WICKHAM
BRIAN P. WOOD
JOLLEY, WALSH & HAGER, P.C.
204 West Linwood
Kansas City, Missouri 64111
(816) 561-3755

*Counsel for Respondent American Federation of Teachers, Local 691*

*Counsel of Record

## TABLE OF CONTENTS

Page

**VOLUME I**

Docket Entries ..... A-1

Appendix A
Order, September 17, 1984 (W.D. Mo.)..... A-14

Appendix B
Order, June 14, 1985 (W.D. Mo.) ..... A-54

Appendix C
Order, June 16, 1986 (W.D. Mo.) ..... A-102

Appendix D
Order, August 25, 1986 (W.D. Mo.) ..... A-125

Appendix E
Order, November 12, 1986 (W.D. Mo.)..... A-130

Appendix F
Order, July 6, 1987 (W.D. Mo.) ..... A-194

Appendix G
Order, August 19, 1987 (W.D. Mo.) ..... A-212

Appendix H
Order, September 15, 1987 (W.D. Mo.)..... A-217

Appendix I
Order, July 25, 1988 (W.D. Mo.) ..... A-245

Appendix J
Order, July 5, 1989 (W.D. Mo.) ..... A-277

Appendix K
Order, April 23, 1990 (W.D. Mo.) ..... A-311

Appendix L
Order, May 14, 1990 (W.D. Mo.) ..... A-317

Appendix M
Order, June 26, 1990 (W.D. Mo.) ..... A-323

Appendix N
Order, July 23, 1990 (W.D. Mo.) ..... A-332

**VOLUME II**

Appendix O
Order, July 5, 1991 (W.D. Mo.) ..... A-354

Appendix P
Joint Stipulation of All Parties Concerning KCMSD's 1992-93 Desegregation Plan (May 12, 1992) ..... A-375

Appendix Q
KCMSD's Reply to State's Response to KCMSD's Motion for Approval of Desegregation Plan for 1992-93 (May 13, 1992) ..... A-380

Appendix R
Excerpts from Testimony of Dr. Walter Marks (May 27, 1992) ..... A-407

Appendix S
Excerpts from Testimony of Mr. Arthur Rainwater (May 27, 1992) ..... A-417

Appendix T
KCMSD Exhibits 15a-c (May 27, 1992) ..... A-433

Appendix U
KCMSD Exhibit 18 (May 27, 1992) ..... A-436

Appendix V
KCMSD Exhibit 19 (May 27, 1992) ..... A-438



Appendix W
Transcript of Direct Examination of Dr. Terrance Stewart (May 28, 1992) ..... A-439

Appendix X
Excerpts from Cross-Examination of Dr. Terrance Stewart (May 28, 1992) ..... A-482

Appendix Y
AFT Exhibit 33 (June 9, 1992) ..... A-484

Appendix Z
KCMSD Exhibit 1 (June 10, 1992) ..... A-502

Appendix AA
Excerpts from Testimony of Dr. Walter Marks (June 10, 1992) ..... A-503

Appendix BB
Excerpts from Transcript of Direct Examination of John Alspaugh (February 22, 1993) ..... A-506

Appendix CC
AFT Exhibits 22a, b, d, e, (June 1, 1993) ..... A-512

Appendix DD
AFT Exhibits 23a, b, d, e, (June 1, 1993) ..... A-516

Appendix EE
AFT Exhibits 24a, b, c, e, (June 1, 1993) ..... A-520

Appendix FF
Excerpts from Testimony of Mr. Jewell Gould (June 1, 1993) ..... A-525

Appendix GG
Testimony of Daniel Cutbirth (June 1, 1993) ..... A-527

Appendix HH
Excerpts from Testimony of Mr. Arthur Rainwater (July 7, 1993) ..... A-563

Appendix II
Order, January 10, 1994 ..... A-566

Appendix JJ
Opinion of Court of Appeals in *Jenkins v. Missouri* No. 93-3975 (8th Cir. May 3, 1994) ..... A-578

Appendix KK
DMC Exhibit 1 (July 22, 1994) ..... A-589

Appendix LL
Motion of Plaintiffs for an Order Approving Payment by the State Defendants of Funds to Study and Plan Three VIT High Schools (September 29, 1994) ..... A-713

---

Note: The following items are contained in the Appendix to the Petition for Certiorari

Page in Appendix to Petition

Opinion of the Court of Appeals for the Eighth Circuit (November 29, 1993) ..... A1-27

Opinion of the Court of Appeals for the Eighth Circuit (December 8, 1993) ..... A28-35

Denial of Petition for Rehearing by the Court of Appeals panel (February 24, 1994) ..... A36-42

Denial of Petition for Rehearing by the full Court of Appeals (March 15, 1994) ..... A43-68



Orders of the District Court for the Western District of Missouri:

Order, June 17, 1992 (W.D. Mo.) ..... A69-75

Order, June 25, 1992 (W.D. Mo.) ..... A76-93

Order, June 30, 1993 (W.D. Mo.) ..... A94-109

Order, July 30, 1993 (W.D. Mo.) ..... A110-121

Order, April 16, 1993 (W.D. Mo.) ..... A122-143

## RELEVANT DOCKET ENTRIES

| DATE | NR | PROCEEDINGS |
|---|---|---|
| 6/5/84 | 1004 | GENERAL MEMORANDUM AND ORDER. ORDERED that the Rule 41(b) motions filed by the following school districts & their superintendents are granted: Blue Springs Reorganized School District R-IV, Center School District No. 58, Fort Osage Reorganized School District R-1, Grandview Consolidated School District No. 4, Hickman Mills School District, Independence School District, Lee's Summit Reorganized School District R-VII, Liberty School District, North Kansas City School District, Park Hill Reorganized School District No. 5, and Raytown Consolidated School District No. 2. |
| 9/17/84 | 1023 | ORDER - filed, mailed. (ORDERED that the Clerk is directed to enter judgment on the issue of liability in favor of HUD and against plaintiffs; in favor of plaintiffs and against the State defendants and the KCMSD; and in favor of the KCMSD and against the State defendants on its cross-claim; and it is further ORDERED that within 90 days from the date of this order, the State Board of Education and the KCMSD Board of Education are directed to submit a proposed plan which will have the effect of removing the vestiges of the dual school system as it presently exists in the KCMSD: and it is further ORDERED that the plaintiffs shall have 30 days dafter the proposed plan is filed in which to file objections to it.) |

9/17/84 1025 CLERK'S judgment on decision by the court - (re #1023) mailed.

1/18/85 1046 PLAN - KCMSD Plan for Remedying Vestiges of the Segregated Public School System.

1/25/85 1048 ORDER - filed, mailed. (ORDERED that promptly on receipt of this order, the Kansas City Missouri School District Board of Education is directed to begin the preparation of an amended proposed plan to be implemented within the existing boundaries of the Kansas City Missouri School District, which would have the effect of removing the vestiges of the dual school system as it presently exists in the KCMSD. Within 15 days from the date of this order, the KCMSD Board is to notify the Court in writing the amount of time which it believes is reasonably necessary to submit an amended plan.)

6/14/85 1110 MEMORANDUM - opinion (re-remedy) Copies distributed.

6/16/86 1192 ORDER - setting up a plan concerning pending motions on amending budget for full-day kindergarten program, salary schedule for personnel hired for desegregation programs, adjustment of 1986/87 magnet programs, voluntary interdistrict transfer program, and funding for desegregation plan. All parties are to implement this plan in a thorough & efficient manner. Failure to make a diligent effort may result in sanctions against a party or individual. Mailed.

8/25/86 1213 ORDER - granting the motion of the KCMSD to enjoin the rollback in the real estate tax levy



otherwise required under Proposition C. - that the tax levy rollback required by Sec. 164.013, R.S.Mo. (the Proposition C rollback) shall be enjoined to the extent necessary to raise an additional $6,500,000.00 to enable the KCMSD to meet its share of the desegregation plan for the current fiscal year. Mailed.

11/12/86 1237 ORDER - that the KCMSD's motion for approval of its long-range magnet school plan is granted in part & denied in part as set forth in this memorandum. Mailed.

5/8/87 1326 MOTION of KCMSD for further funding relief w/memorandum.

7/6/87 1367 ORDER - filed, mailed. (ORDERED that the Court approves the 1987-88 desegregation budget as set for the in this opinion; and it is further ORDERED that the State and KCMSD are jointly and severally liable for the 1987-88 desegregation budget totaling $56,834,225.00 and the State of Missouri and the KCMSD are directed to contribute $42,625,668.00 and $14,208,557.00 respectively; and it is further ORDERED that the Court defers ruling on the motions of the KCMSD and AFT Local 691 regarding funding of estimated budget deficits until after the 8/3/87 on the long-range capital improvement plan; and it is further ORDERED that the Court has modified its 6/16/86 and 11/12/86 orders as set forth in this opinion). (RGC)

8/19/87 1413 ORDER - filed, mailed; that KCMSD's motion to modify the Court's 07/06/87 order is granted in part and denied in part as set forth in this order. (RGC)

9/15/87 1436 ORDER - filed, mailed. (ORDERED that the motion of the KCMSD for the approval of its capital improvement plan is approved as modified herein; and it is further ORDERED that the motion of the KCMSD for approval of its student transportation plan for the long-range magnet school plan is deferred and if a hearing is necessary on the plan, it is set to commence on 12/14/87 at 9:00 a.m.; and it is further ORDERED that the motion of AFT 691 for alternate funded relief regarding the salaries of the KCMSD teachers is denied; and it is further ORDERED that the motion of KCMSD for funding relief is granted in part in that it is ordered that in order to fund the obligation of the KCMSD for the desegregation program, a surtax of 1.5% is added to the Missouri State Income Tax for all persons and entities receiving income for work done, services rendered, and income received from activities within the KCMSD and the tax levy for the KCMSD is raised to $4.00 per $100 assessed valuation; and it is further ORDERED that said increased revenue shall be applied to satisfy the obligations of the KCMSD as set forth in this memorandum). (RGC)

7/25/88 1648 ORDER - filed, mailed. (ORDERED that the Court approves the 1988-89, 1989-90 & 1990-91 desegregation budgets as set forth in this order; and it is further ORDERED that the KCMSD is directed to submit to the Court modified budgets for year 1988-89 for the early childhood education program, the base budgets, and the 1986-87 magnets; and it is further ordered that the KCMSD is to submit amended



budgets for the year 1989, 1990, and 1991 summer school programs). (RGC)

7/5/89 1950 ORDER - filed, mailed. (ORDERED that the KCMSD's motion to amend its motion for approval of a desegregation plan for 1989-90 is granted; ORDERED that the KCMSD's motion for approval of a desegregation plan for 1989-90 is granted; ORDERED that plts' motion for program and budget modifications of prior remedial orders is granted; ORDERED that the KCMSD shall submit 1986-87 magnet budgets for 1988-89 and 1989-90 on or before 8/31/89, and for 1989-90 as soon as the amount is available; ORDERED that the KCMSD shall submit a proposed budget for 1989-90 for Suzuki teachers on or before 8/31/89; ORDERED that the parties shall file briefs on the issue of whether Elementary I, II and III were ordered as magnet schools under the LRMP or the LRCIP on or before 8/31/89; ORDERED that the KCMSD shall submit proposed budgets for King Middle School for 1989-90, 1990-91 and 1991-92 on or before 8/31/89; ORDERED that the DMC shall submit a proposed salary study budget as soon as the necessary information can be obtained and complied; ORDERED that DMC appointments for two year terms to begin on 7/1/89, are made as set forth in this order; ORDERED that the DMC's budget request and request for postponement of the opening of Southeast I are granted as set forth in this order; ORDERED that the KCMSD shall submit proposed budgets for Southeast Elementary I for 1989-90, 1990-91 and 1992-93 on or before 8/31/89

4/23/90 2262 ORDER - that the components, as presented in KCMSD's motion for approval of desegregation plan for 1990-91 & the joint stip, are approved with budgets as summarized in order; it is further ordered that the funding for the District task forces in the Long-Range Magnet School Plan & budget at $75,000 per year for the next 2 years (1990-91 & 1991-92) shall be allocated to support all 8 of the magnet theme task forces, for themes that are undergoing implementation as well as those themes already implemented. The district task forces shall provide written notices of their meetings, minutes of their meetings shall be provided to the DMC and the parties, & at the first meeting of each task force each year there shall be adopted procedures & objectives for the task forces; it is further ordered the Admissions Guidelines in the Long-Range magnet School Plan will be amended to provide that 1st-time enrollment in foreign language immersion programs in grades 2 & higher will be limited to students with a demonstrated proficiency to their grade level in the 2nd language; it is further ORDERED that the following components presented in KCMSD's motion for approval of desegregation plan for 1990-91 & pla's motion or Year VI program & budget modifications are approved w/the following modifications (see order for details); it is further ordered upon review of section 4 of the joint stip concerning components on which limited issues are reserved by the parties, that the Court will receive briefs on the schedule agreed to by the parties, limited to the issues set forth in the joint stip. (RGC)



5/14/90 2284 ORDER - A voluntary interdistrict transfer (VIT) proposal has been presented to the Court by plas & the School District of KCMO. Upon joint suggestion of all parties, State of MO dfts are ordered to 1) meet w/representatives of public school districts having less than 25% minorities enrolled & located w/i Clay, Platte, & Jackson Counties & w/parties to this case; 2) provide to them & explain the proposed VIT plan attached hereto; 3) obtain agreements of school districts to participate in VIT plan & the number of students each will accept in September, 1990, or their comments and/or suggestions for change; and 4) report on the State's discharge of these duties w/i 30 days of this order. Suggestions or arguments by any entity as to the contents of the VIT plan will not be used as evidence of racial animus on any future proceeding. This Court will hold a hearing on the status of this proposed VI plan on the ___ day of June, 1990 beginning at ___. (RGC)

6/26/90 2366 ORDER - that plas' motion for Year VI program & budget modification is granted as set forth in this order; that KCMSD's motion for approval of desegregation plan for 1990-191 is granted as set forth in this order; that DMC's budget request is granted as set forth in this order; that KCMSD shall file a proposed security component budget for 1990-91 & 1991-92 on or before 7/13/90; that KCMSD shall submit the amount of costs avoided elsewhere for 1990-91 as soon as they are available. (RGC)

7/23/90 2398 ORDER - 1) KCMSD authorized to increase salaries to employees by a total of up to $68 million. Over 2-year period, State shall pay $34

million & KCMSD shall pay remainder; 2) State shall pay $15 million as needed to fund salary increases for 90-91 & $19 million to fund 91-92; KCMSD is authorized to increase property tax levy rate for 90-91 by $.96 per $100 assessed valuation; 4) tax rate of $4.96 is a reasonable maximum tax levy rate; 5) KCMSD may seek to remove from escrow accounts any taxes paid under protest; 6) KCMSD will systematically collect & report to the DMC appropriate data regarding results of recruiting efforts; 7) no party waives its rights w/regard to positions taken in this litigation & each party specifically preserves its rights to make whatever arguments it deems appropriate w/regard to these issues after conclusion of 91-92 school year covered by order (see order for details). (RGC) Mailed.

7/5/91 2813 ORDER - this court approves the stipulated Year VII budget items; KCMSD's proposal for the Early Childhood Education Development Program is granted; KCMSD's proposal to add 5 teachers at Lincoln College Prep Academy granted; KCMSD's security proposal granted; KCMSD's Tuition Assistance for Paraprofessionals proposal denied; KCMSD's J.A. Rogers Academy of Liberal Arts & Science proposal to add 2 teachers & cont the home school coordinator granted; plt's req for reconsideration of the Banneker & Richardson computer equipment proposal granted as to software & repair & Maintenance; KCMSD's proposal for AAA Achievement granted w/exception that the State is not required to assist the KCMSD in exceeding AAA requirements for libraries; plt's req



for reconsideration of the Recruitment Aide denied; the 17 resource teachers who were cut from the operating budget as a result of administrative reorganization are added to the year VII desegregation budget. (RGC) Mailed.

2/10/92 2999 MOTION - for Desegregation Funding for Teachers' Salary Increases in Fiscal Years 1992-93 thru 1994-95 - AFT Local 691.

3/2/92 3011 MOTION & RESPONSE - for Deseg Funding for its 1992-93 Salary Proposal & Response to AFT Local 691's Mt for Deseg Funding for Teacher Salary Increases for 1992-93 thru 1994-95 - KCMSD.

3/2/92 3012 SUGGESTIONS - in support of KCMSD's Mt for Deseg Funding for 1992-93 Salary Proposal & Response to AFT Local 691's Mt for Deseg Funding for Teacher Salary increases for 1992-93 thru 1994-95 - KCMSD.

3/25/92 3031 CONSOLIDATED RESPONSE - to Mt. by AFT Local 691 for Deseg Funding for Teacher Salary Increases in Fiscal Yrs 1992-93 thru 1994-95 & to KCMSD's Mt. for Deseg Funding for its 1992-93 Salary Proposal & its Response to AFT Local 691's Mt - State.

5/12/92 3083 JOINT STIPULATION - concerning KCMSD's 1991-93 Deseg Plan - by all parties.

5/13/92 3084 REPLY - to State's response to KCMSD's Mt. for approval of deseg plan for 1992-93 - KCMSD.

6/4/92 3109 POST-TRIAL BRIEF - on Year VIII & Long-Range Magnet School Extension Proposals - by plts.

6/8/92 3113 BR - KCMSD's Post-Hearing Brief regarding KCMSD Deseg Plan for 1992-93.

6/5/92 3114 MEM - State's Post-Hearing Memorandum regarding year VIII issues

6/17/92 3126 ORDER - the Year VIII Deseg Budget is as follows: Deseg Budget $54,592,191 KCMSD Obligation is $33,185,681 totals (see order for details). KCMSD shall submit its Long-Range magnet Plan by 9/1/92. (RGC) Mailed.

6/25/92 3139 ORDER - That KCMSD's salary proposal for 1992-93 is approved; ORDERED that KCMSD is authorized to maintain its property tax levy at a rate of $4.96 per $100 assessed valuation for the 1992-93 tax year; and it is further ORDERED that funding for the 1992-93 salary package will be 50%/50% joint and several liability between State and the KCMSD.

9/1/92 3188 JOINT MOTION - of KCMSD & plas for approval of long-range magnet renewal plan.

2/5/93 3306 MOTION - of AFT Local 691 for desq funding of certified and classified employee salary increases in fiscal years 93-94 through 2002-03 and sugg in supp

3/26/93 3363 MOTION - KCMSD's Motion for Desegregation Funding Its Salary Proposal for 1993-94 through 1995-96 and resp to AFT Local 691's mt for desegregation funding for salary increases in fiscal years 1993-94 through 2002-03.

4/7/93 3367 MOTION - by AFT for desegregation funding for operating, warehouse, maint, mailroom and



food service employee wage increases in fiscal yrs 93-94 through 95-96 and sugg in supp

4/16/93 3375 ORDER - by Judge Clark that KCMSD and plas' mt for approval of the Long-Range Magnet Renewal Plan is den in part and gr in part consistent w/this order; and that the current LRMP is extended for a 2-yr period w/the same budgetary levels subject to reasonable modifications w/the supervision of the DMC and that the District is to implement a procedure to consistently measure and evaluate the effectiveness of the magnet programs and this is to be done w/n the current budgetary constraints of the magnet program; that the District is to implement a Montessori theme at the new elementary school to come on-line for the 1993-94 school year; and it is further ordered that the District req to modify the themes at Lincoln College Prep and Middle School is gr and that the State's request to operate three District Schools under an OBE program is den; that the District is to submit a financing proposal as outlined herein by 6/30/93; that the State may, but is not required to, submit a financing proposal by 9/1/93; that the capital improvements req by the District are gr only to the extent necessary to implement the theme additions and modifications approved by the Court herein.

4/26/93 3380 SUGGOPP - State's consolidated resp in opp to AFT's and KCMSD's salary mts and mt for order expressly establishing state right of contribution

5/7/93 3388 RPLY - AFT's reply to the State's consol resp in opp to the AFT's and the KCMSD's mts for desegregation funding for salary increases resp to the KCMSD's mt for desegregation funding of its salary proposal for 1993-94 through 1995-96 and suppl of its salary mt for certified and classified employees

5/10/93 3391 RPLY - KCMSD's rply to the States' consolidated response in opp to AFT's and KCMSD's salary mts and resp to the State's mt for order expressly establishing state right of contribution

6/30/93 3473 ORDER - from Judge Clark; that the foregone salary step increases are ordered restored for FY93-94 and that the Court approves funding for 2% annual wage increases in 93-94 through 95-96 for administrators and other non-represented employees as well as for classified personnel; that the Court approves a 2.5% annual wage increase for each of those persons represented by AFT's mt for operating, warehouse, maintenance, mailroom and food service dept for 93-94, 94-95 and 95-96 for a total of 7.5% and that the District request to develop a "group exit" program is gr and that the State's mt to strike pla's post-trial mem is den; that the State's mt for lvf a rply to plas's mem is gr; that the Court will defer ruling the State's mt for an order establishing an express right of contribution until after the 7/7/93 hearing on Milliken II issues.

12/22/93 3669 ORDER - by Russell Clark that the plas' mt for approval of the North Kansas City Voluntary



Interdistrict Transfer plan is denied; and it is ORDERED that the State's plan is approved by the Court as a basic starting point for the negotiation of a voluntary interdistrict transfer plan; that the parties are to meet with the North Kansas City School District officials and report back to the Court the results of their attempt to negotiate a VIT plan consistent with this Order w/n 30 days of the date of this Order.

9/16/94 3841 REPORT - KCMSD 1st Report to the Court on Status of magnet, Capital and Financial Planning

9/29/94 3844 MOTION - of plas for an order approving payment by the State Dfts of funds to study and plan three VIT High Schools

## APPENDIX A

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

No. 77-0420-CV-W-4

CRAIG JENKINS, et al.,
Plaintiffs,

vs.

STATE OF MISSOURI, et al.,
Defendants

## ORDER

[Filed: Sept. 17, 1984]

Originally, plaintiffs and the KCMSD filed this action jointly alleging various federal and state agencies and surrounding school district officials caused or contributed to cause the racial segregation existing in the metropolitan schools. In 1978 when the KCMSD was realigned as a defendant, plaintiffs made similar allegations against it, although there has been, during the course of this litigation, a "friendly adversary" relationship between them. (*See, e.g.*, stipulations of fact, filed February 21, 1984).

The KCMSD cross-claimed only against the state for its failure to eliminate the vestiges of its prior dual school system. For additional background, see this Court's orders of June 5 and July 16, 1984.

Jurisdiction is premised on 28 U.S.C. §§ 1331, 1343(3) and (4), 136, 2201 and 2202. Plaintiffs also allege claims under 42 U.S.C. §§ 1983 and 2000d and under the United States Constitution, 14th Amendment. Declaratory and injunctive relief was sought against all defendants.



After hearing the presentation of plaintiffs' evidence and before any defense, the Court dismissed the suburban school districts. Plaintiffs simply failed to show that those defendants had acted in a racially discriminatory manner that substantially caused racial segregation in another district. *Milliken v. Bradley,* 418 U.S. 717, 745 (1974). *See* order filed June 5, 1984.

HEW was also dismissed for plaintiffs' failure to prove the agency acted with racial animus or abused its discretion in the enforcement of Title VI. See order filed July 16, 1984. The KCMSD presented its cross-claim, Missouri and HUD defended, plaintiffs and the KCMSD rebutted, Missouri presented surrebuttal and, on the 92nd day of trial, the Court refused to hear sur-surrebuttal. Thus, on June 13, 1984, the evidence ended.

The claims addressed by this order are plaintiffs' claims against the KCMSD, the State of Missouri and HUD and the crossclaim of KCMSD against the State of Missouri. For the reasons that follow, the Court finds in favor of plaintiffs against the KCMSD and the State of Missouri; in favor of KCMSD against the State of Missouri; and against plaintiffs and in favor of HUD.

### THEORIES AND DEFENSES

Plaintiffs allege, and Missouri has admitted, it mandated racially segregated schools before 1954. It is plaintiffs' position that after 1954 Missouri failed to take affirmative steps to eliminate the vestiges of its prior dual school system. In fact, plaintiffs argue, Missouri acted to perpetuate racial segregation by enforcing restrictive covenants and other unfair housing practices, by discriminatorily relocating blacks who were displaced by highway development and urban renewal, and by supporting racially-identifiable interdistrict arrangements (e.g. vocational and special education area schools).

Against the KCMSD, plaintiffs claim district officials adopted ineffective policies to change the segregative patterns that were

developed or developing. In an exculpatory allegation plaintiffs allege the KCMSD could not balance the racial population of students in its district due to impaction of minorities, white flight, housing policies of other agencies and "other factors beyond the capacity of that district to manage."

(Amended complaint, May 18, 1979 ¶ 20).

Regarding HUD, plaintiffs allege the agency abrogated its affirmative duty to prevent and reduce racial segregation and instead intentionally increased segregation by failing to consider racial isolation in its site location for low income projects and locating most of the projects within the KCMSD; establishing express guidelines before 1948 requiring racial segregation and permitting such practices after that date; funding local housing agencies which did not prevent segregation in their policies or practices; and providing funds and insurance to suburban areas where access to blacks was restricted. These policies and practices, plaintiffs claim, racially impacted the KCMSD schools.

In its cross-claim against Missouri[1] the District alleges the State has not fulfilled its constitutional obligation to take action to dismantle its prior dual school system and is primarily liable for the existing segregation in the KCMSD. Not only has Missouri failed to take necessary remedial measures to eliminate past segregation but the District charges the state has acted to perpetuate segregation. To the extent the Court might find the KCMSD to be internally segregated, the District alleges the State is largely responsible for such a condition and should be required to contribute financially to any remedial plan the Court might order as relief against the KCMSD. Further, the District charges the State has caused a high concentration of economically and socially disadvantaged minority students within its boundaries,

[1]The collective designation of "Missouri" or "State" is intended to include the governor, the Missouri State Board of Education and its officers, and Arthur L. Mallory, the state Commissioner of Education.



a condition which increased student expenses and decreased the District's tax base. Concomitantly, the KCMSD alleges the State's actions or omissions caused the surrounding districts to be predominantly white.

For relief, therefore, the KCMSD seeks a court order requiring the State to propose and assist (financially and otherwise) in the implementation of a plan which will eradicate any vestiges of the State's past dual school system which includes the racially identifiable character of the KCMSD and the surrounding suburban districts.

Plaintiffs claim the only effective way to "protect and preserve" the constitutional rights of plaintiffs is to judicially mandate the "reassignment of students among all districts in the metropolitan area and/or to realign or reconstitute the defendant school districts," with compensatory payments made by the State to fund the reconstituted districts. (Plaintiffs' amended complaint, May 18, 1979 ¶ 25). Plaintiffs request defendants submit a plan to eliminate the racial identifiability of the KCMSD and other school districts in the metropolitan area. To facilitate adoption of such a plan, plaintiffs seek to enjoin federal agencies from funding state and local entities until the plan is submitted. Plaintiffs seek declaratory and injunctive relief against the federal defendants and statements from all defendants on their future plans to reduce and eradicate segregative conditions.

Missouri has argues in defense that it has met its affirmative duty to the extent of its statutory power and that local entities have the sole authority to effect the changes plaintiffs seek, e.g. redrawing district lines. Moreover, Missouri charges the racial isolation that exists is not vestiges but is the product of resegregation from natural demographic trends. Finally, Missouri argues the Kansas City area is typical of cities nationwide that had no dual school system; therefore the racial patterns cannot be attributed to the State's past conduct.

Procedurally, Missouri argues that plaintiffs and the KCMSD pleaded only interdistrict claims and seek only interdistrict relief, which claims were denied by this Court's order dismissing the suburban school districts. The Court disagrees. In its order of June 1, 1981, the Court addressed both the inter and intra-district claims raised by the KCMSD's cross-claim. Neither plaintiffs nor the KCMSD's pleadings are defective in this regard. In any event, and contrary to Missouri's allegations, plaintiffs moved to amend their complaint to conform to their contention interrogatories (filed October 17, 1983 Doc. No. 351). The Court deferred ruling the motion preferring to address the contentions individually as they arose during the trial. (Tr. 35). Insofar as plaintiffs' evidence (adopted by the KCMSD Tr. 17,275) states intradistrict claims, the motion is hereby granted.

On February 21, 1984, plaintiffs and the KCMSD entered into a stipulation of fact which the Court holds is only binding between them; however, the stipulations will be controlling, unless otherwise stated by the Court, regarding the racial composition and enrollment in the District past and present, its 1955 through 1977 "desegregation" plans, its transfer policy, the Havighurst and Hazlett reports and faculty composition. The District stipulated, *inter alia,* that before 1977 it was not a unitary district or in compliance with federal regulation. (*See, also,* Tr. 24). Nor does the District contest the HEW findings of noncompliance. It does state, however, contrary to plaintiffs' contentions, that it did not operate with discriminatory *intent* after 1954.

HUD argues in defense that it does not select the sites for low income projects and that said projects are dispersed throughout the metropolitan area in any event. HUD also maintains it does not relocate people, but merely monitors the relocation activities of other agencies and has made adjustments where necessary. Regarding FHA, the government insists there are no vestiges of its past practices and moreover that FHA's involvement in the context of all housing transactions is *de minimis.* HUD concludes it has not abused its discretion and that plaintiff's evi-



dence fails to show a causal link between schools and HUD's activities.

## FINDINGS OF FACT

The State admitted and the Court judicially noticed that Missouri mandated segregated schools for black and white children before 1954. *See* Mo. Const. Art. IX, Section 1(a) (1945) (rescinded 1976) *and* §§ 163.130, 165.117 R.S. Mo. (repealed 1957). These provisions were not immediately and formally abrogated after the *Brown* decision was announced; however, the State's Attorney General issued an Opinion in 1954 declaring them unenforceable. (P. Ex. 2232). The statues were repealed in 1957 and the constitutional provision was finally rescinded in 1976. This historical background is recounted in more detail by the courts in *Adams v. United States,* 620 F.2d 1277, 1280-81 (8th Cir.) *cert. denied,* 449 U.S. 826 (1980); and *United States v. Missouri,* 363 F.Supp. 739, 746-47 (E.D. Mo. 1973) *aff'd* 515 F.2d 1365 (8th Cir.) *cert. denied,* 423 U.S. 951 (1975).

Each school district in Missouri participated in this dual school system before it was declared unconstitutional in *Brown I.* Districts with an insufficient number of blacks to maintain the state-required separate school made interdistrict arrangements to educate those children. Undeniably, some blacks moved to districts, including the KCMSD, that provided black schools. (Tr. 2043, 4557-59). As the Court previously noted, however, this movement was insignificant when compared to the total black enrollment in the KCMSD. (Tr. 1773, D. Ex. K2). Accordingly, no interdistrict constitutional violation by any suburban school district was shown. (*See* order filed June 5, 1984).

Dr. James Anderson, plaintiffs' expert historian, opined the black migration into Kansas City was from a depopulation of blacks in the surrounding three-county area moving to the city

primarily for schools. In its opinion of June 5, the Court rejected Dr. Anderson's opinions as contrary to the weight of the evidence and as being without sufficient foundation. The Court finds the greatest influx of blacks came from southern and border states and that they migrated because of a host of factors.

This in-migration coupled with a high birth rate (Tr. 16,509-10) resulted in the Kansas City black population doubling from 41,574 in 1940 to 83,740 in 1960. (*Id.*)

Before 1954, access to schools was one of many reasons some blacks chose to move into the KCMSD. (Tr. 16,688, 14,793-94, 16,691-93, 16,835). Economics and job opportunities were also major factors in black migration. (Tr. 595,600, 676-78, 713, 796, 911, 914, 1052, 1089, 1103, 1111, 1163, 1307, 1312, 1318, 1552, 1579-80, 1680-81, 1728, 2781, 3214, 3267, 18,527, 18,550, 16,842). Often jobs would pull migrants to the city and then availability of schools would influence, more specifically, what housing choice would be made within the city. (Tr. 16,688).

Dr. John Kain, plaintiffs' expert on the determinants of residential location, predicted dispersed racial residential patterns would exist in Kansas City if race were not a factor in housing choices. (Tr. 7515-7529). Dr. Kain used three indicators to predict housing choice: income, type of family, and whether there were school-aged children. (Tr. 7489, P. Ex. 1265 series). His conclusion was that absent housing discrimination blacks would be dispersed throughout the metropolitan area. (Tr. 7719, P. Ex. 1265G). Dr. Kain discounted or rejected other factors such as job location, ethnic clustering and personal preference. (Tr. 7473-76, 7846). The Court disagrees to the extent Dr. Kain rejected the possible influence of other factors in his analysis.

The intensity of segregation is demonstrated by the fact that the average black family lives in a census tract that is 85% black while the average white family lives in a census tract that is 99%



white. (Tr. 14,739, 14,745). Regardless of their motivation for coming, once here, blacks settled in the inner city or, the "principal black contiguous area." (Tr. 10,837-38, 10847-49). Plaintiffs' witnesses blame this black concentration (and ensuing white flight from it) on the dual school system, the enforcement of restrictive covenants, site and tenant selection policies for low income housing and other government practices and policies as well as on private discrimination. (Tr. 12,974, 12,976, 13,024, 13,032-13,035, 13,040-41, 13,043, 13,046-47, 13,058-62, and 13,123-24).

Not surprisingly, Missouri defended with experts whose opinions declared economics, accessibility to jobs, spacial barriers, personal preference and private discrimination were the facts affecting black movement. (Tr. 19,102, 19,104-05). They all discounted or totally rejected schools and the dual school system as having any effect. (Tr. 18,620-24, 18,627-28). To the extent those experts deny the influence of schools is housing patterns, particularly in the context of Missouri's legacy, their opinions are rejected.

The Court finds the dual housing market (Tr. 12,974-76), which still exists to a large degree today (Tr. 12,008-09, 12,339), impacted blacks in the KCMSD and consequently caused the public schools to swell in black enrollment. The Court finds there is an inextricable connection between schools and housing. "People gravitate toward school facilities, just as schools are located in response to the needs of the people. The location of schools may thus influence the patterns of residential development of a metropolitan area and have important impact on composition of inner city neighborhoods," *Swann v. Charlotte-Mecklenburg Board of Education,* 402 U.S. 1, 20-21 (1971).

There were many witnesses called and literally weeks of testimony concerning the cause of blacks settling in the inner city of Kansas City and within the KCMSD. This testimony was relevant as to the suburban school districts and HUD. It was not

relevant on the claims of plaintiffs against the KCMSD and the State of Missouri because those defendants had an obligation to the black students regardless of why they settled in the school district. As will hereafter be pointed out, the Kansas City District school system had never been totally integrated. In *Davis v. East Baton Rouge Parish School Bd.*, 721 F.2d 1425 (5th Cir. 1983), the school board tried to justify its one-race schools on the basis that they resulted from demographic patterns for which the school officials had no responsibility. The Court held that the Board's argument failed, stating:

> The Board's reliance on housing patterns as justification for the continued existence of one-race schools is not only factually but legally unsound. . . .
>
> Until it has achieved the greatest degree of desegregation possible under the circumstances, the Board bears the continuing duty to do all in its power to eradicate the vestiges of the dual system. That duty includes the responsibility to adjust for demographic patterns and changes that predate the advent of a unitary system. [citations omitted]. The racial isolation of some schools, whether existing before or developing during the desegregation effort, may render disestablishment of certain one-race schools difficult or even impossible. Until all reasonable steps have been taken to eliminate remaining one-race schools, however, ethnic housing patterns are but an important factor to be considered in determining what further desegregation can reasonably be achieved; they do not work to relieve the Board of its constitutional responsibilities.

*Davis,* 721 F.2d at 1435. The Court, therefore, will focus on the anatomy of the KCMSD.

Plaintiffs allege the KCMSD could have done more than it did to stably integrate its schools. (Tr. 14,892-93). Plaintiffs are quick to point out, however, that the District was faced with a



pervasive system of segregation and would more than likely end up "resegregated" like all major cities. *Id.*

The Court notes that several witnesses used the term "resegregated" when describing racial change in the schools and housing patterns, usually changing from predominantly white to predominantly black. That may be correct terminology in the context of their testimony but the Court finds it has no legal significance. A segregated District cannot become resegregated until it is first integrated. The KCMSD has not yet become integrated on a system-wide basis.

As a consequence of their failure to do more, plaintiffs allege there are lingering effects of the dual school system. The District also blames the prior dual system for its present status, maintaining the State did nothing to relieve the conditions it created. Several witnesses confirmed the conclusion reached by the Supreme Court in *Brown* that forced segregation ruins attitudes and is inherently unequal: "[Segregation] may affect their hearts and minds in a way unlikely ever to be undone." 347 U.S. at 494. (Tr. 16,414, 16,416, 16,422). The general attitude of inferiority among blacks (Tr. 1,920-21) produces low achievement (Tr. 16,573) which ultimately limits employment opportunities and causes poverty. (Tr. 2,453-56, 16,414, 16,457-58). While it may be true that poverty results in low achievement regardless of race, (Tr. 16,508), it is undeniable that most poverty-level families are black. (Tr. 16,422). The District stipulated that as of 1977 they had not eliminated all the vestiges of the prior dual system. (Stipulation introduction filed 2/21/84). The Court finds the inferior education indigenous of the state-compelled dual school system has lingering effects in the Kansas City, Missouri School District.

*Racial Composition of the School District:* In the 1954-55 school year, 18.9% of the District's 63,487 students were black (stipulation 2, Def. Ex. K-2). Because the State compelled separate schools for blacks, the District established and main-

tained segregated facilities with segregated staffs. In 1954, the KCMSD operated 90 schools of which 14 elementary, 1 junior-high vocational school and 1 high school-junior college were for black students. (Stipulation 5, Def. Ex. K-2). Those schools were located in the black-concentrated areas (Stipulation 6) and as that community expanded in a southeast direction so did the black schools. (P. Ex. 20, 740, 741, 742 map series, 1653; Tr. 3,577-78, 12,990-92).

The white students in the District during this period attended one of the 62 elementary schools, 3 junior high schools, eight high schools (1 with a vocational school) or the junior college. (Stipulation 10, Def. Ex. K2).

The KCMSD was majority white in enrollment until 1970 (Def. Ex. K-2, Tr. 17,009), and could have achieved a mathematical racial balance in its schools until that year. (Tr. 17,010-12). Instead, the District chose to operate some completely segregated schools and some integrated ones. (Def. Ex. K-2). Regardless of some school officials' feelings that a more mathematically oriented plan would be less stable (Tr. 17,205-207), the District's chosen path was ineffective in integrating its school system.

As of 1977, 25 one-race schools under the pre-1954 system remained 90% or more of the same race. (Def. Ex. K54,. Stipulation 85, 86; Tr. 16,980). In addition, there were four black schools from the dual system that were still predominantly black when they closed in 1968. (Tr. 16,999-17,001). In summary, as of 1974, 20 years after *Brown I*, 39 schools were more than 90% black; another 38 had 10 to 90% black enrollment. Eighty percent of all blacks in the District attended schools that were 90% black; on 19% of the blacks attended a school that was 10 to 90% black. (Stipulation 84).

With the adoption of Plan 6C (discussed *infra*) in 1977, the District eliminated the 16 entirely white schools and reduced the



number of 90+% black schools to 28. (Tr. 16,567). During the 1983-84 year, no school had less than 30% black enrollment; 24 schools however are racially isolated with 90+% black enrollment. (Tr. 16,568, Def. Ex. K-2). The Court finds the District did not and has not entirely dismantled the dual school system. Vestiges of that dual system still remain.

*Liberal Transfers.* During the pre-1954 days, the District utilized a liberal transfer policy within each system, (Stipulation 11), allowing students to transfer to any open (uncrowded) school. (Stipulation 23, 24, 56; Tr. 16,940). Blacks did not use the liberal transfer policy as frequently as whites. (Tr. 2,010, 3,544; Stipulation 61). The Court finds the liberal transfer policy was not adopted or maintained to foster segregation even though it allowed whites living in racially transitional neighborhoods to transfer within the District to whiter schools. (Stipulation 57, Tr. 16,941-42).

Critics of the transfer policy blame its liberality for the racial turnover in schools by not compelling whites in that attendance area to attend that school. (Tr. 6,604-05; Stipulation 50, 56; P. Ex. 2780). Others, however, attribute the policy with fostering stabilization in transitional neighborhoods, slowing white flight and thus aiding integration. (Stipulation 56; Tr. 3,025-26, 13,663-64).

In the years following *Brown*, the District attempted to accommodate varying views regarding the effect of the transfer policy. (Stipulation 58, 59, 60, 61 and 62) and made adjustments in both the liberality and review of the proposed transfers. (Tr. 16,556-57). When the District proposed abandoning the liberal transfer policy in order to satisfy federal OCR officials and retain federal funds, an integrated neighborhood organization sought to enjoin the abandonment fearing it would produce more white flight. (Tr. 13,662-64). The District did however revoke the policy pursuant to OCR directives (Tr. 13,667). In 1973, race was considered in transfer requests, giving preference to transfers

that would promote integration. (Tr. 13,738). The Court finds the evolution of the transfer policy was not motivated by racial animus.

*Neighborhood Schools:* In response to the *Brown II* decision in 1955, the District adopted an assignment system known as the neighborhood school plan. (Stipulation 12, 13). Pursuant to this plan, the separate racial zones were eliminated and attendance areas were drawn around each school based on the buildings' capacity, distances involved, and other factors like safety, transportation and terrain. *Id.* By calculating the number of students in each attendance area, the District projected enrollment and expected racial composition for its various schools. Contrary to its predictions, many of the previously black schools opened with more than 92.5% black enrollment; 921 whites were predicted at these schools yet only 117 were present during the official census taken that fall. (Stipulation 22). White enrollment in the District decreased by approximately 1,200 between 1954-55 and 1955-56. *Id.* (P. Ex. 582, 584, 584B, 585, 586, 740, 743, 744). Because most of the schools were in racially segregated neighborhoods before 1954, the Court finds adoption of the neighborhood school concept did not substantially change the segregated school system.

*Attendance Zones:* Following *Brown,* the District made frequent shifts in the attendance areas of elementary and secondary schools as the population shifted, depending upon the capacity of various buildings. (Tr. 3,028; Stipulation 16 through 20, 29 through 31, 34, 37, 41, 43 and 48). In June, 1963, the District's proposed attendance zone changes were challenged by a group of residents who charged the changes would resegregate the schools and neighborhoods. (Stipulation 49). The Board in response, modified its plans and adopted a policy statement recognizing that integration was an important factor to be considered in the District's decisions. (Stipulation 50 through 52). Nevertheless, the attendance zone changes did not achieve system-wide integration.



In addition to the regular attendance zones, various "optional" zones were utilized to allow students in those areas to choose among several schools. (Stipulation 31, 34, 51). Many of those optional zones existed before 1954, (*see* P. Ex. 739, 740; maps) and continued thereafter. (Stipulation 34). Regardless of the intent, e.g. to relieve overcrowding, (Tr. 2,011-13, 16,937-38), the Court finds the use of these optional zones, coupled with the liberal transfer policy, did not aid to integrate the District; to the contrary, it allowed attendance patterns to continue on a segregated basis.

*Intact Busing:* From the mid-1950's through the 1970's the District was faced with overcrowded conditions. (Tr. 16,948-49; 6,583, 6,548-49, 7,305-06). Besides adjustments to attendance zones, in the mid-1960's, the District also adopted a busing program. The Board declared that the busing program was not for integration but was required to relieve overcrowded conditions at some schools. (Stipulation 53). While the Board added it would aid integration when possible, it chose to bus entire classrooms of black students to predominantly white schools but to keep them as an insular group, not allowing them to be mixed with the receiving population. (Tr. 7146-47, 8,612). In the face of civil rights protests, in 1965, the bused students were integrated into the regular enrollment. The Court finds the District's use of intact busing had a segregative intent and effect. Because the practice was stopped in the 1960's, however, no continuing violation exists. Certainly black children subjected to that experience well remember the feelings of isolation and inferiority obviously produced by the practice.

*Middle School:* In 1965, a bond issue was passed to build three new schools in order to relieve the overcrowding in the Central area. (Stipulation 63). Because local civil rights groups protested the proposed site locations as being segregative and ineffective to relieve overcrowding, the District hired a consultant, Dr. Havighurst, to make a report and recommendation for

the new sites. (Stipulation 64). His final report proposed, *inter alia,* a middle school at the Paseo and Brush Creek to stabilize a transitional neighborhood and retain its integrated character. (Stipulation 64, 67). After 1 1/2 years of debate, the Board rejected this portion of Dr. Havighurst's recommendations stating there was a lack of funds and it did not appear that integration could be maintained. (Stipulation 67). Some blacks viewed the District's failure to adopt the middle school as a step toward continuing the segregated school conditions. (Tr. 3017-20). The Courts finds that reasonable minds could differ as to the effect and ability of the middle school to help integrate. (Tr. 16,478-79).

*Concepts for Changing Times:* At the instance of several community and civil rights groups, Superintendent Hazlett, in 1968, presented a document "Concepts for Changing Times," in which various proposals for district-wide integration and stabilization were suggested. (P. Ex. 414, 414A, 2603; Stipulation 69). The Board appointed a bi-racial committee (committee of 30) to study the "Concepts" and make recommendations. The Committee generally endorsed the ideas (P. Ex. 414E through K, 2780U and V) however, the Board never voted on the proposals and none were otherwise acted upon. (Stipulation 69). In fact there was no district-wide desegregation plan adopted by the KCMSD until Plan 6C was implemented in 1977-78. *Id.*

As indicated *supra,* as the black population expanded from the central city in a southeast direction, neighborhoods and schools experienced a racial transition. As blacks moved, or were bused to the schools, in the area, whites moved out. (Tr. 8715-16, 8721-30, 9228-32, 9235). Several community groups attempted unsuccessfully, to maintain an integrated neighborhood and stabilize the often rapid transition. (Tr. 9,347-48, 9,395-96, 13,631-32).

In 1965, the Kansas City Commission on Human Relations issued proposals to stabilize the southeast area. (Stipulation 70).



Many of which were adopted by the KCMSD. Racial turnover continued unabated, however, with the efforts proving to be little more than a thumb in the dike. (Stipulation 71).

It is interesting to note that in the 1958-59 school year there were 52,491 white students in KCMSD. It had 14,952 black students which comprised 22.5% of the total enrollment. The highest enrollment in the past 30 years occurred in 1967-68 when there was a total enrollment of 74,997 students. The largest enrollment of blacks occurred in the 1971-72 school year when there was a total of 35,620 black students enrolled. In the 1983-84 school year the total enrollment in the KCMSD was 36,650 students, 10,022 whites and 24,803 blacks with a percentage of 67.7% black. The total enrollment from 1967-68 to 1983-84 has been reduced more than 50%. Enrollment of whites between 1958-59 and 1983-84 has been reduced by 80%. The black enrollment from 1971-72 to 1983-84 has been reduced by approximately 30%.

Plaintiffs contend that the State established a system of area vocational schools that effectively segregated students on the basis of their race and that the methods of funding these schools were racially discriminatory. The Court addressed this issue in its June 5 order dismissing the suburban defendants.

The Kansas City Technical Center is an AVTS for all high schools in KCMSD. It was the fist AVTS formed in the Kansas City area. It served all students in the KCMSD regardless of race. There is no proof that the formation of this school has prolonged or contributed to the segregation in the schools in the KCMSD. DESE administers vocational educational funds without regard to race and all districts are treated alike. (Tr. 17,939).

The State has been of some aid to school districts in the State which have segregation problems. When a Missouri school district received an OCR complaint, the DESE sent a letter to the district offering the department's assistance. (Tr. 17,464). A

Technical Assistance Unit (TAU) was established, funded by federal funds, which provides assistance to school districts involved in voluntary or court ordered desegregation upon a district's request. (Tr. 17,667). It also notifies the eligible districts of other services which can be provided under the conditions of the federal grants. The TAU proposal for funding to the federal government explicitly names St. Louis and Kansas City school districts as priority areas for technical assistance. (Tr. 17,684). KCMSD has requested and been provided TAU assistance. (Tr. 17,682, 17,785; St. Def. Ex. M-2).

The DESE also provides valuable assistance to urban school districts through is Urban Education Section. (Tr. 17,592-604).

*Claims Against HUD*

Plaintiffs have made numerous claims that the Department of Housing and Urban Development (HUD) violated its responsibilities under the Fifth Amendment of the United States Constitution, Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, *et seq.*, Title VIII of the Civil Rights Act of 1968, 42 U.S.C. § 3601, *et seq.*, and the applicable housing laws and regulations.

Title VI, § 601 of the Civil Rights Act of 1964, 42 U.S.C. § 2000d provides "no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Title VIII, 42 U.S.C. § 3601 (known as the Fair Housing Act) declares that "it is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States." The Act contains a number of detailed provisions banning discrimination on the basis of race, color, religion, sex or national origin in the sale or rental of housing, the financing of housing and the provision of brokerage services. *See,* 42 U.S.C. §§ 3604, 3605, 3606. The



Act further makes it unlawful to interfere with any person's exercise of enjoyment of these rights. 42 U.S.C. § 3617.

Before analyzing some of the myriad claims made by plaintiffs it may be helpful to briefly summarize the basic goals of the federal housing programs. The United States Housing Act of 1937, 42 U.S.C. §§ 1437-1437J, was originally enacted to remedy the unsafe and unsanitary housing conditions and the acute shortage of housing for families of low income. It authorized HUD to make loans and annual contributions to local public housing agencies (PHAs) to develop, operate and maintain low rent public housing projects for families with low income. 42 U.S.C. § 1437B-C. Congress sought to achieve this goal by vesting the responsibilities of the administration of these housing programs in local housing agencies.

Under the 1934 Act, FHA guaranteed or insured payment of residential mortgage loans for those of low income who qualified, making it possible for low income people to purchase homes with very low down payments and interest rates below the national average. In 1954 the Act was amended under 12 U.S.C. § 1751(d)(3) and (4) to provide mortgage insurance to developers, including public bodies, of multi-family rental or cooperating housing for moderate income or displaced families. The Housing Act was again amended in 1959, 12 U.S.C. § 1751(v) to make mortgage insurance available to facilitate the financing of rental housing for the elderly or handicapped.

The Act was amended in 1974 by the Housing and Community Act of 1974 which had as part of its objectives the elimination of slums and the renewal of older urban areas. 42 U.S.C. § 5301. It specifically recognized that the concentration of persons of low income in the central cities was creating social, economic and environmental problems. In 1977, 42 U.S.C. § 1439 was amended to place greater emphasis on local housing assistance plans. The primary goal of the federal housing program is to provide decent housing for the poor; however, its

secondary concern is to develop and maintain stable, desirable urban communities.

The § 235 program [12 U.S.C. § 1715(z) 1968] combined mortgage insurance with HUD mortgage subsidy payments to the lender in amounts determined by the buyer's income. The § 236 program was authorized in 1968, 12 U.S.C. § 1715(z)(1). In addition to mortgage insurance HUD provided interest subsidies to nonprofit, limited dividend or cooperative programs to reduce interest rates to an extremely low level.

Section 8, 42 U.S.C. § 1437(f), (Housing and Community Development Act of 1974) provided for rental subsidies to lower income persons by payments directly from HUD to landlords including public bodies. Under § 8 the rental subsidy is tied to the tenant not to the property. In other words the § 8 certificates are HUD's guarantee of the rental subsidy. The tenants are responsible for finding their own housing although the administering housing authority may be able to direct the certificate holder to landlords who have indicated a desire to have § 8 tenants. If the prospective landlord does not agree to participate in the program, the tenant must take the certificate somewhere else or forego the subsidy. Also if the certificate holder moves from one qualified apartment to another, the lessee takes the certificate along.

*Scope of Judicial Review*

Plaintiffs have not alleged nor have they jet the statutory prerequisites for filing a private action under Title VI, § 2000d *et seq.*, nor under Title VIII, 42 U.S.C. §§ 3610 or 3612, requiring such complaint to be filed within 180 days of the alleged discrimination.

Plaintiffs have properly proceeded on the basis that HUD has violated their rights to "the equal protection of the laws" as guaranteed by the Fifth Amendment of the United States Constitution. *Davis v. Passman,* 442 U.S. 228 (1979), *Bivens v. Six Unknown Federal Narcotics Agents,* 403 U.S. 388 (1971).



The standard of review for HUD's actions are the same as those for HEW which were set forth in this Court's order of July 16, 1984 (pp. 21 and 22). Briefly, there must be a showing that in administering the federal housing programs in the Kansas City area its actions were arbitrary and capricious, without a rational basis, it did so with discriminatory intent or purpose, and there is a causal connection between the violation and the injury, the segregated schools in the KCMSD. *City of Memphis v. Greene,* 451 U.S. 100, 119 (1981); *Washington v. Davis,* 426 U.S. 229, 239-241, 96 S.Ct. 2040, 48 L.Ed.2d 597 (1976); *Aschuker v. Dept. of Housing and Urban Development,* 686 F.2d 472 (7th Cir. 1982); *Clients Council v. Pierce,* 711 F.2d 406 (8th Cir. 1983). Discriminatory purpose "implies that the decisionmaker . . . selected or reaffirmed a particular course of action at least in part 'because of' not merely 'in spite of' its adverse effects upon an identifiable group." *Personnel Administrator of Mass. v. Feeney,* 442 U.S. 256, 279, 99 S.Ct. 2282, 60 L.Ed.2d 870 (1979).

Plaintiffs claim that FHA's appraisal practices prior to 1949, and even thereafter, contributed to segregated housing in the Kansas City area. Clearly, FHA's appraisal manuals for 1936 (P. Ex. 1303) and 1938 indicated racial restrictive covenants would tend to insure a stable community thus enhancing the value of the property. In 1947 and thereafter emphasis was placed on such considerations as to whether there was a probability of a change in occupancy, that in a change from one user group to another the successor group exhibits a lower income level. The manual also pointed out that a neighborhood would probably remain more stable where there was compatibility among the neighborhood occupants. (P. Ex. 1305). By 1947 reference to racial restrictive covenants was deleted from its manual and it has refused to insure the mortgage on any property which contained such

restrictions. Insurance of mortgages by FHA incurs a risk of loss of federal funds. Racial restrictive covenants were intended to cause housing segregation. While such covenants were brought about by private action they were enforced by the courts of Missouri until after the case of *Shelley v. Kraemer,* 334 U.S. 1 was decided in 1948. Even though such covenants were discriminatory without a doubt they did have an effect on the market value of residential property. FHA did not enforce the covenants; however it accepted the fact that Missouri courts did enforce them. FHA was faced with this reality and could not ignore it in making a determination as to the maximum risk which should be incurred with funds of a federal agency. In view of this FHA did not act arbitrarily nor capriciously in giving these covenants consideration in arriving at an appraisal. As demonstrated by Ex. P. 22, the areas most affected by these covenants soon were occupied by blacks after the covenants were no longer enforceable. There was no evidence showing the number of FHA insured mortgages in the restricted areas.

Prior to 1950 FHA insured approximately 15,000 homes in the KCMSD. (Ex. FD37A). Between 1950 and 1980 there were in excess of 2,000,000 housing turnovers in this area. If FHA's appraisal practices prior to 1950 had any effect on present racial housing patterns, it would, at most, be *de minimus.*

Plaintiffs claim that HUD violated its Title VI and VIII obligations when it continued to fund the Kansas City Land Clearance for Redevelopment Authority (LCRA) after it knew that the LCRA was following racially discriminatory practices. In 1953 the LCRA was established by Kansas City Missouri to administer urban renewal programs under the Housing Act of 1949. HUD provided federal funds to assist in urban renewal and neighborhood development activities. (Ex. FD204C). After receiving the complaint that LCRA was practicing racial discrimination in its relocation activities, HUD made a Title VI complaint investigation. In that investigation HUD found that



blacks were being located primarily in the southeast part of Kansas City while whites were relocated throughout the Kansas City area. (P. Ex. 2913A). As a result of the Title VI investigation, LCRA was required immediately to cease such discriminating practices and to file reports with HUD so that HUD could monitor their referrals. The reports were to be filed with HUD every 90 days (Ex. P2913A). LCRA failed to file its reports in a timely fashion. (Tr. 11,601). The reports that were filed showed no significant improvements in LCRA's referral practices. As a result in June, 1973, HUD refused to fund the 1974 Neighborhood Development Program (NDP) unless the city assumed the responsibility for all relocation services. (Ex. FD204C). In June, 1973, HUD, LCRA and the City of Kansas City entered into a cooperation agreement by which the City assumed the responsibility for relocation under the urban renewal and neighborhood development plan. As part of this agreement each relocatee was to receive at least one referral outside of the "inner city." (Ex. FD239). The cooperation agreement required the City to file reports at least twice a month with reports to include the race of each displaced person, the number of dependents and the address of housing referrals. (Ex. FD239). Following this agreement, approximately 1/3 of the housing referrals provided to black relocatees were outside of the inner city area. (Ex. P322A, Tr. 10,991). The relocation reports show that between 1971 and 1976 only 174 black households were relocated during the six year period. (Ex. P622B). The Court finds that in working out the cooperation agreement between the LCRA and the City of Kansas City, Missouri, HUD acted in a reasonable and responsive manner. To have cut off funds would have penalized those most in need of housing, that is the people of low income, and could not have been done absent a lengthy Title VI investigation. The Court finds that by entering into the cooperation agreement between HUD, LCRA and the City of Kansas City, their actions were not arbitrary or capricious and did not violate plaintiffs' fifth amendment rights.

*Title VIII.* Plaintiffs contend that within the KCMSD, § 8 certificate holders are segregated by race. The Housing Authority of Kansas City (HAKC) administers the § 8 assistance program in Kansas City, Missouri in which HUD provides housing assistance payments to HAKC for § 8 participating tenants. (Tr. 12,197, 12,364). HAKC's § 8 program presently has 1,458 certificates in use with 16% white and 84% nonwhite. (Ex. P1481B). There are public housing authorities administering the § 8 assistance housing programs in Independence, Liberty and Lee's Summit, Missouri. These PHA's presently have 619 certificates in use with the racial composition 98% white and 2% nonwhite. (Ex. P1481A). By the nature of the § 8 program, participants may request a certificate from any issuing jurisdiction and then locate housing of their own choosing within the jurisdiction issuing the certificate. (Tr. 20,455). There was no evidence that HUD or the PHAs attempted to direct § 8 certificate holders as to the location of the housing which they chose.

Under the Public Housing Act of 1949, P.L. 81-171, 63 Stat. 413, Congress recognized that the problem of providing decent housing for low income families was "clearly related and practically inseparable from the problem of clearing urban slums." In other words, the 1949 Act created a slum clearance program. Congress provided loans and capital grants to clear the land and then make it available for redevelopment in accordance with locally devised plans for the area. This was reaffirmed by Congress in the 1954 Housing Act, P.L. 83-560, 68 Stat. 590. The urban renewal projects were required to be located in areas for which the community had a plan for both slum clearance and redevelopment. HAKC has nine projects for family occupancy under management containing a total of 2,270 units. (Ex. P1609). HAKC constructed seven family projects between 1952 and 1963 all either within the model cities or urban renewal areas. (Ex. P2917). The Housing Authority had two other family projects containing 50 units each consisting of single family homes located throughout Kansas City, Missouri. (Ex. P1609).



At the outset HAKC followed the "freedom of choice plan." In 1968 HAKC adopted a new assignment plan in accordance with HUD regulations which required applicants to select a suitable vacant unit from among the three development locations with the highest vacancy rate or be removed to the bottom of the waiting list. (Ex. P1596FFF). In 1976 HUD made a Title VI investigation of HAKC's assignment practices. It found that HAKC was allowing applicants to choose a suitable vacant unit in any development rather than giving a choice only of a unit among the three developments with the highest vacancy rate. (Ex. P1596FFF). Following the investigation, HAKC and HUD entered into a compliance agreement in which HAKC adopted a new tenant assignment policy. This policy required that applicants be assigned to suitable units at one of the three developments with the highest vacancy rate. In addition it provided for a minority preference housing option. This feature of the plan allowed for the immediate placement of any applicant or transfer of any resident to a development in which the applicants or tenants racial group comprised 33 1/3% or less of the development's population. (Tr. 12,225, Ex. P1596GGG). The Court finds that the location of the public housing was in accordance with the congressional acts and that HUD's monitoring of the program was neither arbitrary nor capricious and that the compliance agreement entered into between HAKC and HUD was reasonable.

Plaintiffs also contend that HUD assisted multi-family housing caused the overwhelming majority of these units to be located within the KCMSD. The Court finds that HUD followed a balanced housing policy and attempted to insure that assisted housing located in the inner city area was balanced by assisted housing projects in the suburban areas. (Tr. 20,657). HUD reviewed all proposals for multi-family housing projects to include racial characteristics of the project area. (Tr. 20,408-09). HUD had disapproved some proposed projects because they were located in areas of minority concentration. (Tr. 20,563-68).

The evidence indicates that there has not been a lack of balance between federally assisted housing within the KCMSD and the suburban areas. Plaintiffs' Exhibit 27B reflects that there were 6,832 HUD insured or subsidized multi-family units within KCMSD and 9,872 such units in the 11 suburban school districts (which have been dismissed in this action). This indicates that HUD did follow a balanced housing policy. HUD published site selection regulations known as "Project Selection Criteria", 24 C.F.R. § 200.700 *et seq.* Without setting forth the criteria, they were sufficient to enable HUD to make a reasonable determination that a particular project was in compliance with Titles VI and VIII. There was no evidence in the case that the practices of HUD in site selection and approval for federally subsidized multi-family housing had a substantial effect upon the racial makeup of schools within the KCMSD. A good example is the East Hills Village located in the Knotts Elementary School attendance zone. The East Hills Village project was approved by HUD in 1971. (Ex. P27B). In 1971 when the project was approved by HUD, Knotts School was 84% black and in 1973 when the East Hills Village project was opened, Knotts School was 91.9% black. (Ex. K-2). When East Hills Village opened there were 30 elementary school age children, 27 black and 3 white. (Ex. P1199). Ten percent of the children were white, ninety percent were black. The black percentage was higher in Knotts School than that reflected in the East Hills Village project.

Although the evidence showed that HUD assisted housing was not concentrated within KCMSD, plaintiffs nevertheless asserted that most blacks who resided in assisted housing lived within the KCMSD. Even assuming that this is true, it does not show a Title VIII violation on the part of HUD. HUD established affirmative marketing regulations, 24 C.F.R. § 200.600, 841.202 and 880.206, and the evidence reflects that the Kansas City HUD office monitored these affirmative fair housing and marketing plans very closely. A detailed description of HUD's review and



monitoring of the affirmative fair housing marketing plans was provided by Elaine Owens. (Tr. 20,413-431; 20,516-521). Each project sponsor was required to establish an "anticipated occupancy goal" for tenants which was both realistic for the project area and which would provide greater integration than the current racial mix of the area. (Tr. 20,419, 20,516-17). The review also assured that advertising and contact with the community groups were adequate to reach persons who would not otherwise be expected to apply for such housing. (Tr. 20,415-19). Its review involved a pre-occupancy conference with the sponsor to discuss the provisions of each marketing plan and how the plan was to be implemented as well as an appraisal of the sponsor's past affirmative marketing experience. (Tr. 20,420-23). With respect to HUD's monitoring of the plans, sponsors were required to submit monthly occupancy reports until the project was 95% occupied. Thereafter, occupancy reports were to be submitted annually. (Tr. 20,423-24). HUD also monitored the Equal Housing Opportunity Plans under § 8 housing programs. (Tr. 20,431-33). Generally its efforts were designed to insure that participating § 8 certificate holders were made aware what affordable housing was available to them throughout the entire community and that the public housing authorities informed them of their rights under the fair housing laws. HUD made annual monitoring visits to all PHAs in the Kansas City area that administered § 8 programs. (Tr. 20,453-54). Undoubtedly the affirmative fair housing marketing plans did not result in the integration which HUD desired; however, this was not the result of the lack of affirmative marketing efforts. A good example was the evidence concerning Parvin Estates which was located in predominantly white north Kansas City. (Tr. 12,542-43). Mrs. Ruth Sechter testified at length concerning the marketing plans imposed in the development of Parvin Estates. She stated that the plan had been successful in making blacks aware of the openings at Parvin Estates but they were unsuccessful in attracting the expected number of black families to the project.

She attributed this to reasons that were beyond the sponsor's control and not the fault of the plan. (Tr. 12,582). This project contained 300 units; however in spite of the affirmative marketing efforts, they were never able to attract more than 12% minorities. The occupancy rate for blacks was actually lower. (Tr. 12,562). Certainly there was nothing about the marketing regulations or the manner in which they were implemented and monitored which was arbitrary or capricious.

Plaintiffs also asserted that blacks were routinely denied FHA mortgage insurance well past 1954. There was no evidence whatsoever to support plaintiffs' contentions in this regard. Mr. Newsome, with 23 years experience as a real estate agent, was not aware of a single instance in which FHA had refused to insure a mortgage loan because of race. (Tr. 9,439, 9,517). The only evidence on the issue was to the effect that race was not a factor in HUD's decision to insure a home mortgage loan. (Tr. 19,925-26, Treu Depo. at 60; James Depo. at 15). Since 1962 FHA has required a certification of compliance with its nondiscrimination policy by all lenders, buyers and sellers. (Ex. FD45A & B, 46A & B, and 350 [*see* 24 C.F.R. § 200.300 *et seq.*]).

Plaintiffs also claimed that there was racial discrimination in the sale of homes in which the FHA insured mortgage had been foreclosed. Plaintiffs maintain that many management brokers maintained separate lists of these homes, one for whites and one for blacks, and presold homes in white areas to whites to avoid the possible purchase by blacks. The evidence reflected only one instance in which this occurred. Ms. Dorothy Davis testified that in 1966 Mr. Homer Ritch, a management broker agreed to sell property to her several days before it was advertised to the general public. (Tr. 11,730). HUD investigated Mr. Ritch's conduct which resulted in an official reprimand by HUD and a nonrenewal of his contract to manage HUD properties. (Tr. 11,746). HUD immediately altered the manner in which such homes were sold to prevent any future occurrences of preselling.



(Tr. 11,732-33). Under the new procedure, all proposals for the sale of HUD owned properties had to be submitted directly to HUD not to management brokers and no proposals were received until the Monday following the Thursday advertisement of the property. (Tr. 11,732-33). The most detailed evidence concerning HUD's property disposition was in the deposition testimony of Jaspar Levine, the Director of HUD's property disposition branch between 1965 and 1979. Summarily, he testified that HUD maintained the property in good condition so that they would not blight the neighborhoods. (Levine Depo. at 26). When title to the property was acquired by HUD, a repair list was prepared, contracts were let for the repair, and the repair work was performed. (Levine Depo. at 27,31). If property remained unsold for a period of 30 to 60 days, it was normally taken off the market, further repaired and re-advertised for sale. (Levine Depo. at 28). Homes that needed only minor repairs were offered for sale in an "as is" condition. (Levine Depo. at 26). The evidence showed that HUD held properties were available for sale to all members of the general public regardless of race. (Tr. 11,726, Levine Depo. at 79). Properties held for sale were advertised in the Kansas City Call, a black newspaper, and the Kansas City Star and Times. (Tr. 11,726-27). A list of HUD held homes that were ready for sale was regularly mailed to all interested persons. (Tr. 11,727). The evidence does not support plaintiffs' contention that HUD's practices in the sale of homes on which its insured mortgages had been foreclosed was racially discriminatory.

There was evidence that some HUD held homes in the Southeast Corridor were allowed to deteriorate and fall in disrepair. Assuming the accuracy of this testimony there was an absence of any evidence to support a finding that such neglect of the property by HUD was because of racially discriminatory intent or purpose.

*Various State Agencies*

Plaintiffs contend that the following state agencies had an opportunity to reduce the impaction of blacks and minorities in the inner city of Kansas City: the Missouri Housing Development Commission, the Division of Finance, Division of Savings and Loan Supervision, the Division of Insurance, the Missouri Real Estate Commission, and the Missouri Commission on Human Rights. In view of this Court's finding that the State had an obligation under the fourteenth amendment to assure that blacks within the KCMSD were not denied the equal protection of the laws regardless of why they settled within the KCMSD, the evidence concerning the aforementioned state agencies will be addressed only very briefly.

Plaintiffs contend that the State and particularly the Missouri Department of Highway and Transportation (MDHT) have managed its relocation program for persons displaced by highway projects in a manner that had a racially segregative effect. Their main complaint was the location of the I-70 route which was first chosen in 1956 when the interstate system took effect (Tr. 18,243) and at a time when the KCMSD was overwhelmingly white. (Def. Ex. K-2). I-70 was financed by both federal and state funds (Tr. 18,243). I-70 generally followed the route of what was previously U.S. Route 40 (Tr. 18,248) and was chosen to serve the existing traffic patterns as they then existed and were anticipated to continue. The I-70 project had to be approved by the Federal Highway Administration. (Tr. 18,246). Planning for this project was generally approved by various agencies of the city government. (Tr. 18,246-47). It goes without saying that the location of a highway and particularly an interstate highway through a residential area will displace a certain number of residents in that area. There is no proof whatever that the State's action as it related to the construction of the I-70 project amounted to any constitutional violation.



Plaintiffs contend that in its relocation program for the South Midtown Freeway (SMF), MDHT managed its program in a manner which resulted with blacks who were displaced being located in areas which were predominantly black and the whites being located in suburban areas which were predominantly white. The Court finds that the location for the SMF generally followed existing patterns of traffic and was probably the most feasible and reasonable location for the freeway and insofar as the freeway location was concerned, there was no constitutional violation on the part of the State. (Tr. 18,258). Again, the plans for the freeway had to be approved by the federal government. (Tr. 18,298). It was necessary for a relocation plan to be prepared and submitted to the U.S. Department of Transportation for approval for funding. (Tr. 18,032-33). Relocatees who requested assistance from MDHT were assisted in finding replacement housing. (Tr. 18,028). Relocation payments were authorized by the Uniform Relocation Act of 1970. (Tr. 18,019). On the initial contact, the relocatees completed a questionnaire which included the relocatee's preference for relocation. (Tr. 18,019-20). The relocatees did receive financial assistance dependent upon their circumstances. (Tr. 18,021-27). Relocatees were told to contact MDHT if at any time they felt they were the victims of discrimination but no such complaints were ever received by MDHT. (Tr. 18,031, 18,043). Generally, MDHT advised relocatees of the availability of houses and did not refer them to realtors for this purpose. (Tr. 18,032, 18,041, 18,042).

The State contended that plaintiffs' claims that the State's location of highways and its management of its relocation programs were racially discriminatory should have been dismissed and no evidence on these issued admitted because the United States Department of Transportation was dismissed and the Highway Department for the State of Missouri was not a party. Without deciding the issue as to whether these claims should have been dismissed, the Court finds that there was

nothing in the location of the highways nor in the operation of the MDHT's relocation program which amounted to a constitutional violation and for which the State of Missouri would be liable.

Plaintiffs claim that the State through the Missouri Housing Development Commission (MHDC) engaged in the implementation of federal housing programs which contributed to the creation and perpetuation of a dual housing market in the metropolitan Kansas City area. MHDC was created by the Missouri legislature in 1969 to provide loans to middle and low income persons. (Tr. 18,306-07). MHDC does not build or manage any developments but simply provides financing. (Tr. 18,307).

Its first financial commitment was on December 15, 1971 which was for three developments including Parvin Estates located in the North Kansas City Missouri School District. (Tr. 18,309). MHDC funds come from a sale of tax exempt bonds which provide the necessary proceeds for making loans to developers or in the case of single family programs to individuals to purchase mortgages under the single family home loan program. (Tr. 18,310-11). MHDC received no federal funding but has been requested to administer certain section 8 housing assistance contracts and as a result receives funding directly from HUD in which MHDC acts as a conduit to distribute these funds to eligible mortgagors who in turn make principal and interest payments to MHDC. (Tr. 18,310-13). Nearly all projects in which MHDC participated are federally insured, either FHA or VA, and in some instances private mortgage insurance guarantees. (Tr. 18,315). There was considerable evidence concerning the type of federally insured projects in which MHDC was involved; however, the Court sees no particular advantage in reviewing those projects in detail. State Exh. C-12 reflects the projects in which MHDC was involved and the location of those projects. It clearly appears that the majority of the units in which it was involved were located outside the KCMSD.



Plaintiffs and the KCMSD offered evidence of the alleged past racially discriminatory practices of private individuals in the fields of real estate, residential and commercial, financing, insurance and public accommodations. They seek to hold the state responsible for these activities because real estate brokers, banks, savings and loan institutions, insurance companies and other entities claimed to have been engaged in this practice receive licenses from and are subject to regulation by the State of Missouri. There is no doubt that private entities did engage in discriminatory practices such as red lining, steering and blockbusting. As stated the discriminatory acts were committed by private individuals or entities. The only complaint involving illegal activities of realtors which was filed with the Missouri Real Estate Commission led to the permanent revocation of the real estate license of the agent involved. (Tr. 12,257-58). Other complaints were filed with the Kansas City Human Relations Committee which did receive an affirmative response from that committee. (Tr. 4721 and 4711-12). The mere fact that activities of these private individuals or entities were either licensed by or subject to regulation by a state agency does not convert the private action into state action for which the State of Missouri would be liable. However, private action may, in law, become state action when the state has exercised coercive power or has provided significant encouragement for the private discriminatory activity. This is clearly the teaching of the following cases without any further discussion concerning the holding in those cases: *Moosehead Lodge No. 107 v. Irvis*, 407 U.S. 163, 92 S.Ct. 1965, 32 L.E.2d 627 (1972); *Blum v. Yaretsky*, 457 U.S. 991, 102 S.Ct. 2777, 73 LE2d 534 (1982) and *Rendell-Baker v. Kohn*, 457 U.S. 830, 102 S.Ct. 2764, 73 LE2d 418 (1982). There was no evidence whatsoever that the state agencies exercised coercive power or significantly encouraged the private individuals or entities in their discriminatory practices so as to make their actions the actions of the State. While these agencies, acting within the authority granted them by the General Assembly,

committed no constitutional violation, the State could have given those agencies obligations and authority which could have aided in the disestablishment of the dual school system which it created. This Court cannot say what precise course the State should have taken at any particular stage in meeting its affirmative duty to disestablish the dual system; however, by acting through these agencies, it could have at least partially met that duty. A finding that none of the aforementioned agencies committed any constitutional violation entitling plaintiffs to relief does not dispose of the question concerning the State's liability.

In the past the State has taken positive actions which were discriminatory against blacks. As previously stated, it mandated separate schools for blacks and whites; it established separate institutions for teaching black school teachers, § 10632 R.S. Mo. (1939); it established and maintained a separate institution for higher education for blacks at Lincoln University, § 175.050 R.S. Mo. (1949); it provided that school boards in any town, city or consolidated school district could establish separate libraries, public parks and playgrounds for blacks and whites, § 165.327, R.S. Mo. (1959); it made it a crime for a person of 1/8 Negro blood to marry a white person, § 563.240 R.S. Mo. (1959); and its courts enforced racially restrictive covenants. These actions had the effect of placing the State's imprimatur on racial discrimination. It created an atmosphere in which the private white individuals could justify their bias and prejudice against blacks. A large percentage of whites do not want blacks to reside in their neighborhood and a large percentage of blacks do not want to reside within a neighborhood in which they are not wanted. This has and continues to have a significant effect on the dual housing market in the Kansas City area. Thus, the Court finds that the State has encouraged racial discrimination by private individuals in the real estate, banking and insurance industries. Liability on the part of the State might be a very close question if it hinged solely on its encouragement of private discrimination. There is



a much more salient reason for finding liability on the part of the State.

The KCMSD did not mandate separate schools for blacks and whites. The people of the State of Missouri through constitutional provision and the General Assembly through legislative enactments mandated that all schools for blacks and whites in this State were to be separate. There is no room for doubt but what the State of Missouri intentionally created the dual school system. Under *Brown I, Brown v. Board of Education,* 347 U.S. 483, (1954), this constituted a violation of the 14th amendment of the United States Constitution and no further proof of segregative intent is required. *Brown v. Board of Education*, 349 U.S. 294 (1955) *(Brown II), Swann v. Charlotte-Mechlenburg Bd. of Education,* 402 U.S. 1, 91 S.Ct. 1267, 28 L.Ed.2d 554 (1971); *Green v. School Board of New Kent Co.*, 391 U.S. 430, 88 S.Ct. 1689, 20 L.Ed.2d 716 (1968); *Liddell v. State of Missouri*, 731 F.2d 1294 (8th Cir. 1984) and other cases decided by the Supreme Court and the various circuit courts clearly demonstrate that having created a dual system, the State and the KCMSD had and continue to have an obligation to disestablish that system. In *Keyes v. School District No. 1, Denver, Colo.*, 413 U.S. 189, 93 S.Ct. 2686, 37 L.Ed.2d 548 (1973), the Court stated:

> [W]e have held that where plaintiffs prove that a current condition of segregated schooling exists within a school district where a dual system was compelled or authorized by statute at the time of our decision in *Brown v. Board of Education* 347 U.S. 483 (1954) (*Brown I*), the State automatically assumes an affirmative duty 'to effectuate a transition to a racially nondiscriminatory school system.' *Brown v. Board of Education*, 349 U.S. 294, 301(1955) (*Brown II*).

*Keyes*, 413 U.S. at 200. In *Dayton Board of Education v. Brinkman*, 443 U.S. 526, 99 S.Ct. 2971, 61 L.Ed.2d 720 (1979), the Court stated:

> But the measure of the post-*Brown I* conduct of a school board under an unsatisfied duty to liquidate a dual system is the effectiveness, not the purpose, of the actions in decreasing or increasing the segregation caused by the dual system.

*Dayton,* 443 U.S. at 538. Having found that there are still vestiges of the State's dual school system still lingering in the KCMSD, the obligations of the KCMSD and the State have not been met.

The State argues that under the Constitution of the State of Missouri and the statutes of the State, it was unable to take any affirmative action to dismantle the KCMSD's dual school system. In the general memorandum and order filed June 5, 1984, in discussing the local autonomy of public schools within the State of Missouri, it was stated at page 8: "The State of Missouri does not have the power to require a merger or consolidation of school districts." This statement by the Court was intended to reflect that the state statutes had vested that power in the school districts and had not retained it for the State. It is the conclusion of this Court that none of the provisions of the Constitution nor statutes of the State of Missouri would have prevented the State of Missouri from fulfilling its affirmative duty of disestablishing a dual school system subsequent to 1954. Article 9, § 1(a) of the Missouri Constitution requires the General Assembly to establish and maintain free public schools; Article 9, 5 1(b) provides that schools for any contiguous territory may be established by law. Article 3, 5 40(20) provides that the General Assembly shall not pass any local or special law "creating new townships or changing the boundaries of townships or school districts." There is nothing in the State Constitution which would prevent the General Assembly from enacting legislation which would give the State sole authority to establish school districts as it sees fit. If such legislation is the only means by which the State can fulfill its 14th amendment obligations, then such legislation is mandatory. It is clear that school districts in the State exist pursuant to the State Constitution and it is also clear that the General Assembly for the State of Missouri may abolish or create districts subject only to the requirement that the territory within the district must be contiguous and subject only to the provision that such may not be done except by general legislation as opposed to special legislation. The General Assembly established the school districts and if it deems necessary, can change them even though to do so might require amendments of some of the present statutes. In this regard the General Assembly has authority which this Court does not have. The teachings of *Milliken v. Bradley,* 418 U.S. 717, as analyzed in *Hills v. Geautreaux,* 425 U.S. 284 (1976) were to the effect that a federal court had no power to restructure the operation of local and state government entities absent a constitutional violation by those entities. Article 1, § 3 of the Missouri Constitution provides that the people of the State have the inherent, sole and exclusive right to alter or reform government whenever they deem it necessary. Article 1, § 4 of the Constitution acknowledges that it is a free and independent state subject only to the Constitution of the United States. Thus it recognizes that its laws must conform to the United States Constitution. As stated in *Milliken I,* "no state law is above the Constitution."



In *Cooper v. Arron,* 358 U.S. 1, 19 (1958), it was stated:

> It is, of course, quite true that the responsibility for public education is primarily the concern of the States, but it is equally true that such responsibilities, like all other state activity, must be exercised consistently with federal constitutional requirements as they apply to state action. The Constitution created a government dedicated to equal justice under law. The Fourteenth Amendment embodied and emphasized that ideal. State support of segregated schools through any arrangement, management, funds, or property cannot be squared with the Amendment's command that no

> State shall deny to any person within its jurisdiction the equal protection of the laws.

In *Board of Education v. Swann*, 402 U.S. 43, 45 (1971), the Court stated:

> [I]f a state-imposed limitation on a school authority's discretion operates to inhibit or obstruct the operation of a unitary school system or impede the disestablishing of a dual system, it must fall; state policy must give way when it operates to hinder vindication of federal constitutional guarantees.

Even if the hands of state administrators such as the Commissioner of Education, the State Board of Education, or other agencies were "tied" by state statutes, the State as a collective entity cannot defend its failure to affirmatively act to eliminate the structure and effects of its past dual system on the basis of restrictive state law. The State executive and its agencies as well as the State's General Assembly had and continue to have the constitutional obligation to affirmatively dismantle any system of de jure segregation, root and branch. This obligation is parallel with the obligation of the KCMSD. This case is before this Court simply because the KCMSD and the State have defaulted in their obligation to uphold the Constitution.

Having found that there are still vestiges of the dual school system in the KCMSD, the Court finds the issues in favor of plaintiffs against the KCMSD and the State of Missouri and it further finds the issues in favor of the KCMSD against the State of Missouri. Since these defendants have failed to comply with their constitutional obligations, this Court not only has the power but the duty to enter a decree which will correct the continuing effects of past discrimination as well as bar discrimination against blacks in the future. *Louisiana v. United States*, 380 U.S. 145, 85 S.Ct. 817, 13 L.Ed.2d 709 (1965).



The issues of liability and remedy have previously been bifurcated by this Court. Therefore at this time the Court makes no determination as to what remedy should be decreed nor a determination at this point whether or not the case should be opened for additional discovery and later a trial on the remedy issue. The Court is of the opinion that the initial step which should be taken in regard to remedy would be the preparation and submission of a plan which might obtain the approval of the parties involved as well as the approval of this Court.

Since the State under its Constitution has the duty to establish and maintain free public schools, it has the primary responsibility for insuring that the public education systems in the State comport with the United States Constitution. The State Board of Education and the KCMSD Board of Education have much more expertise than this Court in the operation and management of public schools within this State. The KCMSD Board more clearly understands the facilities which are available within its system, the extent to which some school facilities are overcrowded while others are not or may even be vacant. It understands the problems of the transportation of students to and from the various school facilities and it more fully understands the administrative problems with which it is faced than this Court does; therefore, the State Board of Education and the KCMSD Board of Education are hereby directed to prepare a plan which would establish a unitary school system within the KCMSD. In doing so, they should concentrate on the schools in which the student enrollment is more than 90% black. They should also, to the extent possible, see that students are permitted to attend a school nearest the student's home so long by so doing it does not deter from properly integrating the students in the KCMSD. They should also bear in mind cost factors as well as the purpose of the public schools in this state, that is to furnish quality education to its students. While the Court does not intend to limit matters which should be considered to those enumerated above,

it does suggest that the above are some considerations which should be kept in mind. It is also the Court's opinion that much of the cost for preparing and implementing a plan to dismantle the vestiges of a dual school system in the KCMSD should be borne by the State. The Court would invite the two Boards to follow the teachings of the United States Supreme Court in regard to appropriate remedies as set forth in *Keyes v. School District No. 1, Denver, Colo., supra; Green v. School Board of New Kent Co., supra;* and *Swann v. Charlotte-Mechlenburg Bd. of Education, supra*. The Court further directs that such a plan be submitted to the Court within ninety (90) days from the date of this order. Plaintiffs will be given thirty days after the plan is filed in which to file any written objections to it. Upon the submission of such a plan, it may be determined at that time whether or not an additional hearing should be held and evidence received in regard to a remedy.

Accordingly, it is hereby

ORDERED that the Clerk is directed to enter judgment on the issue of liability in favor of HUD and against plaintiffs; in favor of plaintiffs and against the State defendants and the KCMSD; and in favor of the KCMSD and against the State defendants on its cross-claim; and it is further

ORDERED that within ninety (90) days from the date of this order, the State Board of Education and the KCMSD Board of Education are directed to submit a proposed plan which will have the effect of removing the vestiges of the dual school system as it presently exists in the KCMSD; and it is further

ORDERED that plaintiffs shall have thirty (30) days after the proposed plan is filed in which to file objections to it.



/s/ Russell G. Clark
UNITED STATES
DISTRICT JUDGE
UNITED STATES
DISTRICT COURT

Dated: September 17, 1984

## APPENDIX B

UNITED STATES DISTRICT COURT
W.D. MISSOURI, W.D.

No. 77-0420-CV-W-4

KALIMA JENKINS, et al.,
Plaintiffs,

v.

STATE OF MISSOURI, et al.,
Defendants.

June 14, 1985

Arthur A Benson, II, Benson & McKay, Kansas City, Mo., and James S. Liebman, and Theodore M. Shaw, NAACP Legal Defense & Education Fund, New York City, for plaintiffs.

James Borthwick, Shirley Keeler, Blackwell, Sanders, Matheny, Weary & Lombardi, Kansas City, Mo., and Allen R. Snyder, Hogan & Hartson, Washington, D.C., for defendant KCMSD.

Bartow Farr, III, Onek, Klein & Farr, Washington, D.C. and Ann Wheeler, Asst. Atty. Gen., Jefferson City, Mo., for defendant State of Mo.

Michael Gordon, Kansas City, Mo., for intervenor Amer. Fed of Teachers.

### MEMORANDUM OPINION

RUSSELL G. CLARK, Chief Judge.

### INTRODUCTION

The function of a remedial plan in a school desegregation setting is to make the constitutional ideal of equal justice under the law a "living truth." *Cooper v. Aaron*, 358 U.S. 1, 20, 78 S.Ct.



1401, 1410, 3 L.Ed.2d 5 (1958). The basic remedial principle, repeatedly articulated by the courts in school desegregation cases, is that "the scope of the remedy is determined by the nature and extent of the constitutional violation." *Milliken v. Bradley*, 418 U.S. 717, 744, 94 S.Ct. 3112, 3127, 41 L.Ed.2d 1069 (1974) (*Milliken I*); *Columbus Board of Education v. Penick*, 443 U.S. 449, 465, 99 S.Ct. 2941, 2950, 61 L.Ed.2d 666 (1979); *Dayton Board of Education v. Brinkman*, 433 U.S. 406, 420, 97 S.Ct. 2766, 2775, 53 L.Ed.2d 851 (1976); *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1, 15-16, 91 S.Ct. 1267, 1275-76, 28 L.Ed.2d 554 (1971). Further, the goal of the remedy is to prohibit new violations and eliminate the continuing effects of prior violations. *Louisiana v. United States*, 380 U.S. 145, 154, 85 S.Ct. 817, 822, 13 L.Ed.2d 709 (1965); *Keyes v. School District No. 1*, 413 U.S. 189, 200, 93 S.Ct. 2686, 2693, 37 L.Ed.2d 548 (1973); *Green v. County School Board*, 391 U.S. 430, 437-38 and n. 4, 88 S.Ct. 1689, 1693-94 and n. 4, 20 L.Ed.2d 716 (1968).

The principles that have guided this Court in implementing a desegregation plan for the KCMSD are clear. "In fashioning, and effectuating (desegregation) . . . decrees, the courts will be guided by equitable principles. Traditionally, equity has been characterized by a practical flexibility in shaping its remedies and by a facility for adjusting and reconciling public and private needs." *Brown v. Board of Education*, 349 U.S. 294, 300, 75 S.Ct. 753, 756, 99 L.Ed. 1083 (1955) (*Brown II*). However, a consideration of those practicalities does not mean that the vindication of constitutional rights can be denied on "any theory that it is less expensive to deny than afford them." *Watson v. Memphis*, 373 U.S. 526, 83 S.Ct. 1314, 10 L.Ed.2d 529 (1963).

Further, the goal of a desegregation decree is clear. The goal is the elimination of all vestiges of state imposed segregation. In achieving this goal, the district court may use its broad equitable powers, recognizing that these powers do have limits. Those

limits include the nature and scope of the constitutional violation, the interests of state and local authorities in managing their own affairs consistent with the constitution, and insuring that the remedy is designed to restore the victims of discriminatory conduct to the position they would have occupied in the absence of such conduct. *Morrilton School District No. 32 v. U.S.*, 606 F.2d 222, 229 (8th Cir. 1979), *cert. denied,* 444 U.S. 1071, 100 S.Ct. 1015, 62 L.Ed.2d 753 (1980).

In reviewing the plans presented by the parties, the evidence presented during the hearing, and this Court's findings of constitutional violations, it is clear that "[t]he remedial portion of a school desegregation case is unlike that of any other variety of litigation and conceivably can surpass the liability portion in terms of complexity and duration." *Armstrong v. Board of School Directors of City of Milwaukee*, 616 F.2d 305, 324 (7th Cir. 1980). Therefore, the establishment of liability is only the beginning. "The precise remedy does not follow logically from the determination of liability, but rather reflects a careful reconciliation of the interests of many affected members of the community and a choice among a wide range of possibilities. The nature of the litigation does not lend itself to complete success by one side or the other." *United States and South End Education Committee v. Board of Education of Waterbury*, 605 F.2d 573, 576-77 (2d Cir.1979).

This Court recognizes that implementation of this plan will be difficult. "The pain of transition is an unfortunate, but inevitable result of deliberate policies which have isolated black Americans from the schools . . . of white Americans." *United States v. School District of Omaha,* 521 F.2d 530, 546 (8th Cir.), *cert. denied,* 423 U.S. 946, 96 S.Ct. 361, 46 L.Ed.2d 280 (1975).

Since the minority students in the KCMSD are the victims of racial discrimination which was mandated by the Constitution and statutes of the State of Missouri, it is only equitable to place the greatest burden of removing the vestiges of such discrimination and the continuing effects of same on the State rather than on those who are the victims.



"All, regardless of race or class or economic status, are entitled to a fair chance and to the tools for developing their individual powers of mind and spirit to the utmost. This promise means that all children by virtue of their own efforts, competently guided, can hope to attain the mature and informed judgment needed to secure gainful employment, and to manage their own lives, thereby serving not only their own interests but also the progress of society itself." *A Nation At Risk: The Imperative for Educational Reform* at p. 1 (1983) (hereinafter cited as *A Nation at Risk*). Segregation in KCMSD has resulted in this promise going unkept.

Measures requiring educational improvements have been incorporated into many desegregation remedies. *Milliken v. Bradley*, 433 U.S. 267, 279-88, 97 S.Ct. 2749, 2756-61, 53 L.Ed.2d 745 (1977) (*Milliken II*); *Morgan v. Kerrigan*, 530 F.2d 401, 427-30 (1st Cir.), *cert. denied,* 426 U.S. 935, 96 S.Ct. 2648, 49 L.Ed.2d 386 (1976); *Tasby v. Wright*, 520 F.Supp. 683, 741-43 (N.D.Tex. 1981); *Oliver v. Kalamazoo Board of Education,* 640 F.2d 782, 787 (6th Cir. 1980); *United States v. Board of School Commissioners*, 506 F.Supp. 657, 671-72 (S.D.Ind.1979), *aff'd in part, reversed in part*, 637 F.2d 1101 (7th Cir.), *cert. denied*, 499 U.S. 838, 101 S.Ct. 114, 66 L.Ed.2d 45 (1980); *Liddell v. Board of Education,* 491 F.Supp. 351, 357 (E.D.Mo.1980), *aff'd*, 677 F.2d 643 (8th Cir.), *cert. denied*, 454 U.S. 1091, 102 S.Ct. 656, 70 L.Ed.2d 629 (1981) (*Liddell III*). The use of ancillary programs to improve the educational quality of a school district in desegregation remedy is based upon the federal district's "duty to render a decree which will so far as possible eliminate the discriminatory effects of the past. . . . ." *Haney v. County Board of Education,* 429 F.2d 364 (8th Cir. 1970), *quoting Louisiana v. United States,* 380 U.S. 145, 154, 85 S.Ct. 817, 822, 13 L.Ed.2d 709 (1965). No party to this case has suggested that this plan should not contain components designed

to improve educational achievement. In fact, it is "appropriate to include a number of properly targeted educational programs in a desegregation plan" (State Plan at 5). This is true because "individuals in our society who do not posses the levels of skill, literacy, and training essential to this new era will be effectively disenfranchised, not simply from the material rewards that accompany competent performance, but also from the chance to participate fully in our national life." *A Nation at Risk* at p. 7. The difficult question which remains is, which programs are appropriate to remedy the ill effects of the unconstitutional segregation and to attract and maintain non-minority enrollment.

Segregation has caused a system wide reduction in student achievement in the schools of the KCMSD (testimony of Dr. Daniel Levine, testimony of Dr. Eugene Eubanks at pp. 22, 376-79). Test results from the Iowa Test of Basic Skills in grades 1 through 6 show that there are only a few elementary schools of the 50 in the KCMSD which are presently performing at or above the national norm in reading and mathematics. This is especially true in regard to the basic skill of reading (P.Ex. 3781). (The Court is aware that there may be substantial improvement on the tests for the current year.) The testimony of all the educational experts including Dr. Daniel Levine, Dr. Eugene Eubanks, Dr. Herb Walberg, Dr. Joan Abrams, Carla Santorno, Dr. Joseph Barderick, and Dr. Willis D. Hawley, confirm that this situation is correctable and that the schools in KCMSD, when provided with adequate resources, sufficient staff development, and proper teaching methods, can attain educational achievement results more in keeping with the national norms (see specifically the rebuttal testimony of Dr. Daniel Levine stating that the goal of the KCMSD Plan was to raise the average achievement level for elementary students in the area of reading to the national norms within 4 to 5 years and to bring the passing rate at the secondary level for the BEST test from 51% to a 90 to 95% pass rate).



Both the State of Missouri and the KCMSD have proposed program components designed to increase student achievement at the elementary and secondary levels (KCMSD Plan at pp. 19-33; State Plan at pp. 16-43, and 108-09). The approach taken by KCMSD on the elementary level includes the implementation of an early language development program (KCMSD Plan p. 22, 23), 24 transition rooms in elementary schools for students who would normally be retained in kindergarten or third grade (KCMSD Plan p. 23, 24), the hiring of additional elementary school counselors and home school liaison officers in all low achieving elementary schools (KCMSD Plan at p. 21), the expansion of computer assisted and computer managed instruction (KCMSD Plan p. 31-34), the implementation of a "Writing to Read" project (a computer program designed for kindergartners) (KCMSD Plan p. 32), the implementation of a computer home loan program (KCMSD Plan p. 33) and what KCMSD calls an "Effective School" project which would make available up to $100,000 for each elementary school with reading levels below national average (KCMSD Plan p. 21). This means that 41 of the 50 elementary schools in the KCMSD would be receiving these funds (KCMSD Exh. K-95). The Effective School project attempts to address the individual needs of the elementary schools on the school level. Local parents, patrons, teachers and principals would be involved in determining how these resources may be spent in order to increase the student achievement level in that school, especially in regard to reading. A similar program has been implemented in six predominantly minority schools in the KCMSD. It has shown significant promise as a means of remedying many of the educational problems which go hand in hand with racially isolated minority student populations (testimony of Dr. Daniel Levine at pp. 22, 132-49, testimony of Dr. Eugene Eubanks at pp. 22, 376-79).

The State proposal for improving student achievement on the elementary level is the implementation of an "Instructional Management System." This system is a modification of a teach-

ing approach entitled "Mastery Learning" (State Plan at p. 43). Mastery learning, as defined by Dr. Joan Abrams and Carla Santorno, in testimony during the remedial hearing, is an instructional technique in which the teacher prepares a lesson plan and presents material to the class, following presentation of the material the teacher conducts testing or evaluation to determine which students have mastered the material, then the teacher establishes lesson plans which are more individualized with one group of students receiving enrichment, while the other group of students, who have not yet mastered the material, will receive remedial lessons until they do master the material. This technique has proven successful in school districts undergoing desegregation as well as those which were not (testimony of Dr. Daniel Levine, Dr. Herb Walberg, Dr. Joan Abrams, Carla Santorno).

The KCMSD proposal for improving achievement on the secondary levels includes: the implementation of pre-collegiate courses and career counseling (KCMSD Plan pp. 25-27, 29-30); the implementation of alternative secondary education programs (KCMSD Plan at 27-28), including in-school suspension rooms, transition rooms for the ninth grade, alternative schools for alienated youth, computer laboratories and a reform and reorganization demonstration project similar to the effective elementary school project in which the 18 secondary schools would be budgeted approximately $100,000 per school with the determination as to how those funds should be allocated based upon recommendations of patrons, parents, teachers and the local principal.

The State proposes to implement pre-collegiate courses and an occupational and career education program in the 90% plus black schools (State Plan at 109). No other specific proposals are made by the State as part of an attempt to improve achievement at the secondary education level, however, other components in its plan, as in the KCMSD Plan, allow for programs which would be aimed at improving achievement.



In addition to these programs to increase student achievement, both the State of Missouri and the KCMSD endorse achieving AAA status, reducing class size at the elementary and secondary level, summer school, full day kindergarten, before and after school tutoring and early childhood development programs.

## IMPROVING STUDENT ACHIEVEMENT

### *AAA Achievement*

The Missouri State Department of Elementary and Secondary Education (DESE) conducts an annual evaluation of school districts as a part of its ongoing classification and accreditation program. The objective of this program is to provide direction and assistance in the development of quality education in Missouri's public schools (KCMSD Exh. K-69). Under this program Missouri's school districts are classified according to the quality and quantity of the educational programs and services they offer, including such items as teacher qualifications, class size, instructional equipment, library resources, and instructional materials. The highest classification is "AAA." A AAA rating is a designation which communicates to the public that a school system quantitatively and qualitatively has the resources necessary to provide minimum basic education to its students (Dr. Eubanks' testimony at 22,360).

Presently KCMSD is rated AA and has been so rated since 1977. All other school districts in the Kansas City area are rated AAA (testimony of Dr. Larry Keisker). KCMSD's eligibility for AAA rating is dependent upon improvement in library personnel and resources among KCMSD's elementary schools and secondary schools. Furthermore, the elementary school system is lacking in a minimum number of art, music, and physical education teachers. There is also a need for additional counselors at the elementary and secondary levels in order to reach AAA classification and finally, KCMSD elementary teachers do not have adequate planning time (KCMSD Exh. K-68).

Specifically, the following improvements must be made in order for KCMSD to meet or barely exceed AAA classification standards:

1. *Library Improvement.* KCMSD must hire 13 certified librarians for the elementary school libraries (KCMSD Exh. K-69, testimony of Dr. Eugene Eubanks at p. 22,363, testimony of Dr. Larry Keisker).

KCMSD needs an additional 9 senior high librarians (testimony of Dr. Keisker, KCMSD Exh. K-68, testimony of Dr. Eugene Eubanks at 22,362).

Additional media and library resources are needed at the elementary, junior and senior high school libraries. The total amount of additional resources needed to raise the library and media resources to a AAA standard is $950,000 (testimony of Dr. Larry Keisker, testimony of Dr. Eugene Eubanks at pp. 22,361-362, KCMSD Exh. K-68, State Plan at p. 97, KCMSD Exh. K-95 at p.6).

2. *Teaching Load and Curriculum.* The AAA standard for elementary teaching load is that "(a)ll teachers shall have planning time scheduled within the school day and shall devote no more than an average of 310 minutes of the six hour day to teaching except that full-time librarians and guidance counselors may devote 360 minutes of the six hour day to those duties." (*Handbook for Classification and Accreditation of Public School Districts in Missouri* at p. 18). Presently KCMSD is not in compliance with this minimum standard (testimony of Dr. Larry Keisker, testimony of Dr. Eugene Eubanks at pp. 22, 367-74, KCMSD Exh. K-68). Furthermore, the AAA standard for elementary school curriculum includes a requirement that art and music shall be scheduled and taught at least 60 minutes per week by teachers with the proper subject matter certification or teachers with regular elementary certificates who are supervised by teachers with proper subject matter certification and that physical education shall be scheduled and taught at least two 30 minute periods per week by teachers with certificates in physical education or by teachers with regular elementary certificates who are supervised by teachers with certificates in physical education. (*Handbook for Classification and Accreditation of Public School Districts in Missouri* at p. 20). KCMSD is presently not in compliance with this AAA standard (KCMSD Exh. K-68, testimony of Dr. Eugene Eubanks at pp. 22, 367-68, testimony of Dr. Larry Keisker).



Both the State and KCMSD propose using additional art/PE/music specialty teachers on the elementary level in order to obtain additional planning periods for existing elementary teachers. Presently KCMSD has 48 specialty curriculum teachers with each student receiving 1 art/PE/music session every ten days. There are 20,245 elementary students in KCMSD (KCMSD Exh. K-74). In order to meet the AAA curriculum standards for these three specialty areas, 34 teachers are needed in each of the three areas. Thus there is a need for 102 teachers. Since KCMSD presently employs 48 of these teachers, then a total of 54 additional art/PE/music teachers are needed in order to comply with AAA teaching load standards at the elementary level (testimony of Dr. Eugene Eubanks at p. 22, 368-9).

The hiring of 54 additional specialty curriculum teachers would also provide 180 minutes per week of planning time for elementary school teachers. Seventy minutes of planning time per week would still be needed by elementary school teachers in order to reach AAA standards (*Handbook* at p. 18). The State recommends that this additional time could be achieved through shared recess supervision loads. That is, since there are two 15 minute recess periods each day, there is a total of 150 minutes of recess time each week. If two teachers would trade off responsibilities for supervising these recess periods, then each teacher would be given an additional 75 minutes per week of planning time, enough to meet AAA standards when combined with the

180 minutes of planning time provided by the art/PE/music teachers (testimony of Dr. Keisker).

The KCMSD proposes to hire 62 additional teachers in order to fill the planning time remaining.

In order to meet the AAA classification requirements for teaching load at the elementary school level, KCMSD shall hire an additional 31 certified teachers and 31 teacher's aides in order to insure that all teachers have planning time scheduled within the school day and that all teachers should devote no more than an average of 310 minutes of the six hour day to teaching.

3. *Counselors*. The AAA standard for elementary counselors is 1 counselor for every 1,500 students, plus for every major fraction above the 1,500 student level, an additional half-time counselor (*Handbook* at p. 19). Presently KCMSD has no elementary counselors (testimony of Dr. Eugene Eubanks, p. 22,366). Fourteen additional counselors are needed in order to meet AAA standards.

At the secondary level AAA standards require one full-time counselor for every 390 students (*Handbook* at pp. 27, 33). The KCMSD needs an additional four counselors to meet AAA standards (testimony of Dr. Keisker).

The patrons of a school district, especially the parents of potential students of that school district, view a AAA rating as an important factor in measuring the school's ability to educate its students. Achieving AAA classification could be the first step in KCMSD's journey to regain and maintain a quality education program and could serve to assist in attracting and maintaining non-minority student enrollment. Achieving AAA status has been recognized by the Eighth Circuit as a proper component of a desegregation plan. *Liddell v. State of Missouri* (*Liddell VII*), 731 F.2d 1294, 1318, *cert. denied*, 469 U.S. 816, 105 S.Ct. 82, 83 L.Ed.2d 30 (1984), *Liddell v. State of Missouri*, (*Liddell VIII*),



758 F.2d 290, 294 (1985). Therefore, KCMSD shall hire 13 certified librarians for its elementary school libraries, 9 certified librarians for the senior high school libraries, and purchase $950,000 in additional media and library resources at the elementary, junior and senior high library levels. Furthermore, KCMSD shall hire 18 art certified elementary school teachers, 18 music certified elementary school teachers, and 18 physical education certified elementary school teachers for the purpose of achieving AAA standards in the area of elementary curriculum and assisting in reaching AAA standards in the area of teaching loads. KCMSD shall also hire 31 additional certified elementary school teachers and 31 teacher's aides who shall be used to free up planning time for existing elementary school teachers in order to insure that all teachers have planning time scheduled within the school day and that all teachers should devote no more than an average of 310 minutes of the six hour day to teaching. KCMSD shall hire 14 additional elementary school counselors for every 1,500 students presently enrolled at KCMSD elementary level. KCMSD shall hire an additional four certified counselors at the secondary level. All additional hirings and additional resources purchased under this order which shall enable KCMSD to reach. AAA classification status shall be done before and during the 1985/86 school year in order that the new classification ratings issued by the State in the spring of 1986 will reflect the results of this effort. The maximum funds available for achieving AAA status shall be $4,738,500. No more than $950,000 shall be spent on additional library and media resources. The maximum cost for individual librarians, counselors and teachers, including fringe benefits, shall be $28,000. The maximum cost for individual teacher's aides, including fringe benefits, shall be $9,500. The cost for achieving AAA status, in the maximum amount of $4,738,500, shall be borne equally by the KCMSD and the State of Missouri.

*Reducing Elementary and Secondary School Class Size*

The Missouri State Board of Education in 1984 stated that "[t]oday, in many schools, the entire educational process is bogged down because so many students have not mastered requisite skills thoroughly and because teachers must spend so much time helping them "catch up." Until we elevate the "floor of achievement" for all students — *at least in terms of basic school skills* — the slowest learners will continue to dictate the pace and content of instruction for all the rest." *Reaching for Excellence* at p. 18 (KCMSD's Exh. K-75). That education process has been further "bogged down" in the KCMSD by a history of segregated education. Too often, as a result, a higher percentage of black students are among the lower achievers. The cost of this under-education is enormous.

> When thousands of our citizens are afforded only inferior educational opportunities, they suffer a loss which can never be compensated and the whole country is subjected to unnecessary social and economic waste.

Robert F. Kennedy, *The Pursuit of Justice,* p. 73 (1964). The Missouri State Board of Education has made a number of recommendations to improve educational opportunities for all Missouri students, including " [i]ncreasing the individual attention and instruction available to students by providing funds to enable school districts to maintain classes no larger than 15 students in kindergarten to grade 3 and no larger than 20 students in basic skill classes in grades 4 through 6." *Reaching For Excellence, supra,* at 21. All of the hearing testimony by experts, board members, and patrons, supports the conclusion that increasing individual attention and instruction will result in giving teachers more manageable teaching loads. Further, if the more manageable teaching loads are accompanied by changes in curriculum materials and methods and adequate staff development, then significant gains in student achievement should result



(testimony of Dr. Daniel Levine at pp. 22,333-35, testimony of Dr. Eugene Eubanks at 22,379, 22,400-02, 22,494-505, testimony of Dr. Herb Walberg, testimony of Joan Abrams, testimony of Dr. Gene Glass, testimony of William Alexander, testimony of Marie Toffey, testimony of Dr. Willis D. Hawley). Reduced class size also serves to increase the likelihood that the KCMSD could maintain and attract non-minority enrollment in the future (testimony of Sue Fulson, testimony of Katherine Rush Thompson). Finally, reduced class size will assist the KCMSD in implementing the quality education components contained in this plan.

Therefore, it is this Court's finding that achieving reduced class size is an essential part of any plan to remedy the vestiges of segregation in the KCMSD. Reducing class size will serve to remedy the vestiges of past segregation by increasing individual attention and instruction, as well as increasing the potential for desegregative educational experiences for KCMSD students by maintaining and attracting non-minority enrollment.

There are 3,081 students in kindergarten sessions with some duplicates due to the all day kindergarten program. There are 100 kindergarten teachers, (a figure which should be multiplied times two in order to account for the morning and afternoon session) (State's Exh. 55). The average student-teacher ratio is 18.9 to 1. There are 41 sessions of Chapter I all day kindergarten, each with 15 students, equaling 1,615 students total. Subtracting those students and teachers, a student-teacher ratio average of 19.9 to 1 is reached. There are 1,413 students in kindergarten classes that have more than 22 students for every teacher, the goal established by the KCMSD. Thus, KCMSD must have 64.23 teachers in order to reach the KCMSD reduced class size goal in kindergarten. Since KCMSD presently has 53 teachers, it means an additional 12 teachers are needed at the kindergarten level to reach the KCMSD's reasonable goal of no more than 22 students in kindergarten classes.

There are 8,603 students taught by 388 1/2 teachers in grades 1 through 3 resulting in a student-teacher ratio of 22.14 to 1 (KCMSD Exh. K-56). Of those students 1,369 are in 58 Chapter 1 special classes. Subtracting the Chapter 1 students and teachers from the total number of students and teachers, there are 7,234 students and 272 1/2 teachers, equaling a 26.55 to 1 student-teacher ratio average in grades 1 through 3 (KCMSD Exh. K-56). Of the 50 elementary schools in KCMSD, 22 of these schools have an average student-teacher ratio above the 22 to 1 goal (44%). Furthermore, 240 of the 338 elementary school classrooms have student-teacher ratios in excess of the 22 to 1 student ratio goal (71%) (KCMSD Exh. K-56, testimony of Dr. Eugene Eubanks). Thus, in order for the 7,234 elementary students in grades 1 through 3 who are not in special Chapter 1 classes, to have a reduced class size of 22 students, there is a need for 328.8 teachers. Presently, KCMSD has 272.5 teachers in grades 1 through 3 (KCMSD Exh. K-56), testimony of Dr. Eugene Eubanks). In order to achieve the goal of having no more than 22 students in any classroom in grades 1 through 3, KCMSD will need an additional 56 teachers.

In grades 4 through 6 there are 6,625 students who are taught by 274.5 teachers, equaling an average of 24.1 to 1 student-teacher ratio (KCMSD Exh. K-57). 875 of those students are in 33 special two-teacher classes (K-57). When those students and teachers who are in special classes are subtracted from the totals, there are 5,750 students being taught by 208.5 teachers in grades 4 through 6, yielding a student-teacher ratio of 27.6 to 1. There are 3,102 students in grades 4 through 6 who are presently in classes that exceed the 27 to 1 reasonable student-teacher ratio goal established by KCMSD (K-57). Thus in order to reduce all classes to the 27 to 1 goal established by KCMSD, the district will need 115 teachers. Presently they have 100 teachers teaching those 3,102 students. Therefore, KCMSD needs an additional 15 teachers in order to reduce class size.



There are 5,351 students in the junior high schools of KCMSD. There are 243 teachers at the junior high level. This yields a student-teacher ratio average of 22.02 to 1 (KCMSD Exh. K-58). There are 37,457 student classes at the junior high level. This figure relates to the 1,376 teacher assignments which exist at the junior high level. This means that the student-teacher ratio is 27.2 to 1. However, the more meaningful figure relates to the number of student classes and the number of teachers available. Presently, during an average school day a teacher will have classes in which a total of 154 students are present. There are nine junior highs in KCMSD and in seven of those junior high schools the average teacher has more than 125 students during the day. KCMSD will need an additional 22 junior high teachers in order that no teacher will have more than 125 students total in all classes per day.

There are 8,727 students at the senior high level and 352 teachers. (KCMSD Exh. K-59). This means that the average class size is 24.8 to 1. There are 52,362 student classes and 1,824 teaching assignments which yields a student-teacher ratio of 28.7 to 1. However, the more revealing figure is that there are 52,362 student classes, when divided by the 352 teachers it shows that each teacher, on the average, has 148.76 students each day enrolled in classes they teach during that day (K-59). Furthermore, 8 of the 9 (89%) senior high schools have ratios which are in excess of the 125 student per day goal established by KCMSD. In order to reach that goal KCMSD needs an additional 78 senior high teachers.

Thus, in order to reach the reasonable class size goals established by the KCMSD of no more than 22 students in grades kindergarten through third grade, no more than 27 students in grades four through six and on the secondary level, no more than 125 students per teacher per day, a total of 183 additional teachers will need to be hired. Therefore, it is ordered that beginning with the school year 1987/88 there will be no kinder-

garten, first, second, or third grade classes in the KCMSD with more than 22 students. Further, it is ordered that by the school year 1987/88 there will be no more than 27 students in any classroom in grades four through six in the KCMSD. In addition, it is ordered that by the school year 1987/88 no secondary education teacher in the KCMSD, with the exception of physical education and music teachers, shall be required to teach more than 125 students per day.

Costs for reaching this goal shall be paid for by the State of Missouri. The total costs shall not exceed $12,000,000, with no more than $2,000,000 the first year, $4,000,000 the second year and $6,000,000 the third year. While every effort should be made by the KCMSD to reach these minimal goals as quickly as possible, the goals should not be reached at the expense of hiring less than fully qualified and well trained teachers.

The goals established by this Court are only minimal goals. As the State of Missouri has noted in its pamphlet, *Reaching for Excellence* (KCMSD Exh. K-75), the ideal goal would be to have kindergarten through third grade classes no larger than 15 students and grades four through six with no more than twenty students. The patrons, parents, administration and board of directors of the KCMSD are encouraged by this Court to take whatever actions are necessary to reach for excellence and reduce class size even further than the goals established by this Court. While the funds allocated by this Court for the purpose of reducing class size will provide significant assistance, the financial responsibility for reaching beyond these minimal goals and reaching toward educational excellence must be borne by the patrons of the KCMSD.

*Summer School*

Both the State of Missouri and the KCMSD propose the implementation of a summer school program as a part of a desegregation plan. The KCMSD Plan (p. 34-35) for summer



school has three basic goals. First, it seeks to provide remedial and developmental learning experiences for elementary and secondary education level students. Next, it seeks to provide reinforcement and enrichment for secondary education students and finally, it seeks to provide a desegregative learning experience at both elementary and secondary levels. The State Plan (p. 88) is strictly a remedial plan in which the KCMSD would continue to operate the elementary summer school program and, in addition, would implement summer school in one junior high and one senior high at a facility which would insure the highest maximum racial mix.

Additional learning time is a key component of any effort to improve the quality of education in a public school system (testimony of Herbert Walberg). Summer school expands the amount of learning time available. Therefore, as a part of an overall effort to improve the academic achievement of students within KCMSD, both as a remedial measure and to maintain and attract non-minority enrollment, a well planned and carefully implemented summer school program at the elementary and secondary levels can be an important component in an overall desegregation plan. In addition, summer school can serve as a means to increase the opportunities for desegregative learning experiences. In the past the KCMSD has operated successful summer school learning experiences in which non-minority enrollment from surrounding school districts, participating with minority enrollment from the KCMSD, were involved (testimony of Dr. Daniel Levine at p. 22,203).

The KCMSD is therefore ordered to conduct a summer school program, beginning in the summer of 1985, for elementary level students who would otherwise have been retained in their present elementary grade, at a cost not to exceed $300 per student, with a maximum total cost of $445,000. KCMSD shall also implement a summer school program at the junior high school level in the summer of 1985, at a cost not to exceed $250 per student with

the total cost not to exceed $301,000. This summer school program shall be expanded to include senior high school students and enrichment and cooperative programs in the summer of 1986 with those items being budgeted at $63,000 for senior high summer school programs and $100,000 for the enrichment and cooperation program. These three programs shall involve at least 1,000 different senior high school students. Costs shall be divided equally between the State of Missouri and the KCMSD.

*Full Day Kindergarten*

Both the State Plan (State Plan at p. 85) and the KCMSD Plan (KCMSD Plan at p. 18) propose a full day kindergarten program. All day kindergartens are presently serving 1,229 KCMSD students in 61 classes (testimony of Dr. Eugene Eubanks at p. 22,441, KCMSD Exh. K-55). The goal under the KCMSD Plan is to provide all day kindergarten throughout the district for all willing to participate. The State Plan would implement all day kindergarten in elementary schools which presently have it but do not serve all students, expand it to all students not presently served in 7 primarily black elementary schools, and further expand it to 8 elementary schools but only for those children who rate at or below the 45th percentile in certain areas of the Missouri Kindergarten Inventory of Development Skills (KIDS).

Present experience in KCMSD with the full day kindergarten shows that such a program cannot only provide remediation to those who are victims of past segregation, but will also assist the school district in maintaining and attracting desegregated enrollment and providing integrative experiences at an early age (testimony of Dr. Eugene Eubanks at p. 22,443, testimony of Dr. Daniel Levine at pp. 22,179-181).

As a part of this desegregation plan all day kindergarten shall be offered to all students. In order to implement this program, a program which has been approved by the Eighth Circuit in the St. Louis desegregation case, *Liddell VII*, 731 F.2d at 1317, the



district is ordered to hire for the 1985/86 school year up to a total of 39 additional certified kindergarten teachers at a maximum individual cost, including fringe benefits, of no more than $28,000 annually, for a total cost of not more than $1,092,000. Costs shall be borne equally by the State of Missouri and the KCMSD.

*Before and After School Tutoring*

Both the State Plan (p. 107) and the KCMSD Plan (pp. 17 and 22) propose the implementation of elementary after school tutoring programs of roughly $104,400. While the State and KCMSD agree on the approximate cost of such a program, the parties disagree over the components which make up such a program.

The State indicates that such a program should be implemented in up to a maximum of 20 of the elementary schools where the enrollment remains 90% or more black after any student reassignment is conducted. The State further limits this program to after school and incorporates into it cross-age instruction or peer tutoring, parental instruction, participation by community volunteers, specialized instruction by KCMSD teachers and enrichment programs that will supplement and build upon regular day programs.

The KCMSD program proposes before and after school tutoring for kindergarten through sixth grade, implemented in any elementary school in the district where there is sufficient number of students to warrant such a program (KCMSD Plan pp. 17 and 22).

Similar programs have been found to be a way to not only remedy the vestiges of past segregation but also a means to attract and retain enrollment from non-minority families where both parents work (testimony of Dr. Daniel Levine at pp. 22-163). Further, cross-age instruction or peer tutoring and parental

the total cost not to exceed $301,000. This summer school program shall be expanded to include senior high school students and enrichment and cooperative programs in the summer of 1986 with those items being budgeted at $63,000 for senior high summer school programs and $100,000 for the enrichment and cooperation program. These three programs shall involve at least 1,000 different senior high school students. Costs shall be divided equally between the State of Missouri and the KCMSD.

*Full Day Kindergarten*

Both the State Plan (State Plan at p. 85) and the KCMSD Plan (KCMSD Plan at p. 18) propose a full day kindergarten program. All day kindergartens are presently serving 1,229 KCMSD students in 61 classes (testimony of Dr. Eugene Eubanks at p. 22,441, KCMSD Exh. K-55). The goal under the KCMSD Plan is to provide all day kindergarten throughout the district for all willing to participate. The State Plan would implement all day kindergarten in elementary schools which presently have it but do not serve all students, expand it to all students not presently served in 7 primarily black elementary schools, and further expand it to 8 elementary schools but only for those children who rate at or below the 45th percentile in certain areas of the Missouri Kindergarten Inventory of Development Skills (KIDS).

Present experience in KCMSD with the full day kindergarten shows that such a program cannot only provide remediation to those who are victims of past segregation, but will also assist the school district in maintaining and attracting desegregated enrollment and providing integrative experiences at an early age (testimony of Dr. Eugene Eubanks at p. 22,443, testimony of Dr. Daniel Levine at pp. 22,179-181).

As a part of this desegregation plan all day kindergarten shall be offered to all students. In order to implement this program, a program which has been approved by the Eighth Circuit in the St. Louis desegregation case, *Liddell VII*, 731 F.2d at 1317, the



district is ordered to hire for the 1985/86 school year up to a total of 39 additional certified kindergarten teachers at a maximum individual cost, including fringe benefits, of no more than $28,000 annually, for a total cost of not more than $1,092,000. Costs shall be borne equally by the State of Missouri and the KCMSD.

*Before and After School Tutoring*

Both the State Plan (p. 107) and the KCMSD Plan (pp. 17 and 22) propose the implementation of elementary after school tutoring programs of roughly $104,400. While the State and KCMSD agree on the approximate cost of such a program, the parties disagree over the components which make up such a program.

The State indicates that such a program should be implemented in up to a maximum of 20 of the elementary schools where the enrollment remains 90% or more black after any student reassignment is conducted. The State further limits this program to after school and incorporates into it cross-age instruction or peer tutoring, parental instruction, participation by community volunteers, specialized instruction by KCMSD teachers and enrichment programs that will supplement and build upon regular day programs.

The KCMSD program proposes before and after school tutoring for kindergarten through sixth grade, implemented in any elementary school in the district where there is sufficient number of students to warrant such a program (KCMSD Plan pp. 17 and 22).

Similar programs have been found to be a way to not only remedy the vestiges of past segregation but also a means to attract and retain enrollment from non-minority families where both parents work (testimony of Dr. Daniel Levine at pp. 22-163). Further, cross-age instruction or peer tutoring and parental

involvement in the education process are elements which have been successful in other school districts when used to improve academic achievement (testimony of Dr. Gene Glass, testimony of Dr. Willis D. Hawley). Therefore, KCMSD shall implement a before and after school tutoring program in at least ten schools where participation is of a sufficient level to operate the program efficiently, economically and effectively. This program should be operated in grades kindergarten through six and should utilize cross-age instruction, parental instruction, and community volunteers under the overall supervision of certified teachers. Costs for this program shall not exceed $104,400. A proposed budget shall be filed by the KCMSD no later than August 15, 1985. Costs shall be borne equally by the State of Missouri and the KCMSD.

*Early Childhood Development Programs*

Both the State Plan (p. 44-83) and the KCMSD Intra-district Plan (p. 17) propose early childhood development programs. The KCMSD's proposal lacks any degree of specificity as to what services will actually be delivered. The State's proposal is very specific in terms of the services to be delivered, and the steps to be taken in implementing each part of the early childhood development program (testimony of Dr. Daniel Levine at pp. 22,167-68).

The State's proposal refers to but does not *specifically* incorporate an early language development component. An early language development program is a "keystone to eventual successful academic achievement." (testimony of Dr. Eugene Eubanks at p. 22,419). Early language development programs have been shown to be extremely successful in Los Angeles and San Diego, California in assuring that a student will be able to make the most of the educational opportunities offered in public schools (testimony of Dr. Daniel Levine at p. 22,169-70, Dr. Eugene Eubanks at 22,419).



The State Plan provides a carefully defined and comprehensive program. Therefore, the State of Missouri's program will be implemented as a part of this desegregation plan. Officials from the State of Missouri and from the KCMSD *shall cooperate* to implement the basic components of the State Plan with modifications of the State Plan in order to insure that it includes an early childhood language development program and that the State Plan realistically reflects the time constraints and realities of implementing such a program within the KCMSD. Total budget shall not exceed $1,223,348. Costs shall be borne equally by the State of Missouri and the KCMSD.

*Effective Schools*

To be effective, changes in the KCMSD aimed at improving student achievement must be planned and implemented at the school level (testimony of Dr. Daniel Levine, Dr. Eugene Eubanks, Sue Fulson, Herbert Walberg, Dr. Joan Abrams, Carla Santorno, Dr. Willis D. Hawley). In fact, if a district and its personnel lack a strong commitment to a program, then the likely result is that the program, if it is implemented at all, will be implemented ineffectively. *See, e.g.*, Vol. VIII P. Berman and M. McLaughlin, *Federal Program Supporting Educational Change, Factors Affecting Implementation and Continuation*, 12-21, 30-31 (1977). Thus, effective change in schools comes from the "bottom up" and not from the "top down." Real educational change takes place only after school administrators and staff, and patrons and parents, have been involved in the planning process and are committed to achieving this change. *See, e.g.*, Fullan and Pomfret, *Research on Curriculum and Instructional Implementation*, 47 Rev.Educ. Research 335, 391 (1977). The effective school project on the elementary level and the reform and reorganization demonstration project on the secondary level, proposals of the KCMSD, serve as clear examples of the growing awareness that public educational institutions are a dynamic system and it is only with the input and commitment of the many groups who

have interest and influence in our schools—school board, administration, principal, teacher, parent, patron, and student—that effective change is realized. *See, e.g., Oliver v. Donovan*, 293 F.Supp. 958 (E.D.N.Y.1968) (where the teachers' union resisted the educational components of a desegregation plan because they felt the nature of the components threatened the teachers' vested interests in traditional policies).

Therefore, since the effectiveness of any program which seeks to improve student achievement is directly related to the degree of involvement of patrons, parents, teachers and administrators at the local school level and since the measure of any desegregation plan is its effectiveness, *Davis v. Board of School Commissioners*, 402 U.S. 33, 37, 91 S.Ct. 1289, 1291, 28 L.Ed.2d 577 (1971), rather than the Court ordering that any additional *specific* program components designed to improve academic achievement be implemented, the KCMSD shall make a determination as to the specific programs to be added. The State of Missouri shall fund such programs aimed at increasing student achievement in the following amounts:

1. For each of the 25 schools with enrollments of 90% or more black:
   a. 1985/86 school year $75,000 each school
   b. 1986/87 school year $100,000 each school
   c. 1987/88 school year $125,000 each school
2. For each of the remaining 43 schools;
   a. 1985/86 school year $50,000 each school
   b. 1986/87 school year $75,000 each school
   c. 1987/88 school year $100,000 each school.

The first year these funds shall be spent on components contained in the intradistrict plan submitted by the KCMSD in



response to this Court's January 25, 1985 order, such as mastery learning, elementary counselors and home school liaisons, transition rooms, pre-collegiate curriculum, alternative secondary school units and arrangements, occupational and career education, computer labs and computer assisted and managed instruction. Decisions on how the first year funds shall be spent will be made by the KCMSD school board of directors. However, in subsequent years the decisions will be based upon a plan developed by the existing school advisory committees. These committees, made up of parents, teachers and the principal at each school (testimony of Sue Fulson), shall make recommendations to the Board of Education in regard to how these funds should be spent at the school which they represent. The Board of Education shall review and take action as to the appropriateness of these expenditures and ways in which costs can be reduced by integrating common efforts among the schools. Criteria governing these funds are as follows:

1. These funds may only be spent to expand or implement educational improvement components presently contained in the intradistrict plan submitted by the KCMSD in response to this Court's order of January 25, 1985; and

2. The programs upon which these funds may be spent must be for the sole purpose of improving student achievement as measured by the Iowa Test of Basic Skills and the Basic Essential Skills Test (BEST).

In this way the responsibility for determining what educational efforts are best suited to individual schools will be in the hands of those individuals with the knowledge, expertise and information necessary to make the best judgments. By October 15, 1985, in a cooperative effort between the KCMSD and the desegregation plan Monitoring Committee established by this Court, specific student achievement goals will be established. These goals should be similar to, but more specific than, those expressed in rebuttal testimony by Dr. Daniel Levine (reaching

national norms on the elementary level in the area of reading in four years and improving the passing rate on the BEST test on the secondary level to a 95% pass rate). These accountability standards should include a time line showing how the KCMSD will progressively move toward achievement of the overall goals. Continued funding, both overall and of specific programs, will depend upon the school's successful efforts at making reasonable progress toward achieving the overall goals, as well as the incremental steps toward those goals.

Improvement in student achievement to remedy the ills of segregation will take disciplined efforts. It will require schools with genuinely high standards and expectations, parents who support and encourage their children to fulfill their potential, and a school district in which teachers are considered valuable professionals. With these resources, and the commitment of the district, improvement can and will be made.

*Magnet Schools*

Magnet schools can be utilized to assist the State of Missouri and the KCMSD in expanding desegregative educational experiences for its students (testimony of Dr. Daniel Levine at pp. 22,214, testimony of Dr. Eugene Eubanks at 22,445, testimony of Dr. Gary Orfield, testimony of Dr. Willis Hawley). However, to be a valuable and effective technique for increasing student desegregation, the themes for the magnet schools must be carefully chosen and based upon a survey of the target enrollment population. There must also be extensive planning concerning the implementation of the magnet programs (testimony of Dr. Susan Uchitelle, and Dr. Gary Orfield).

KCMSD currently operates one magnet secondary school (Lincoln Academy) and two magnet elementary complexes (Southwest Cluster and Swinney-Volker). Reduced levels of federal funding under the Emergency School Aid Act (ESAA) has meant that the KCMSD has not been able to provide the level



of funding which these magnet schools originally received, and as such, these programs have not realized their full potential in drawing non-minority enrollment (testimony of Paul Holmes, KCMSD Exh. K-79).

Therefore, the KCMSD is ordered to submit a budget by October 15, 1985, to the Monitoring Committee for the existing magnet schools of Lincoln, Swinney-Volker and Southwest Cluster. This budget shall be both comprehensive and detailed and shall be limited to budget items which are directly related to enhancing the full desegregative drawing power of these schools. Furthermore, KCMSD shall conduct extensive surveys within the KCMSD and throughout the Kansas City, Missouri metropolitan area in order to determine what magnet themes appear to be most likely to attract non-minority enrollment. This survey shall be completed by January 15, 1986, and a report filed with the Monitoring Committee, accompanied by a proposed marketing and recruitment plan. The marketing and recruitment plan shall include a budget. The State of Missouri shall pay for all costs in conducting the area wide survey and presentation of the report ordered by KCMSD, with such costs not to exceed $60,000. The KCMSD shall also submit to the Committee on or before April 15, 1986, its plan for implementation of additional magnet programs within KCMSD, including a detailed budget. Total costs for preparation of this report shall not exceed $25,000 and shall be paid for by the State of Missouri.

*Staff Development*

Staff development is an essential element in any attempt to improve student achievement as a part of a desegregation plan (testimony of Willis D. Hawley). The KCMSD Plan calls for extensive staff development (KCMSD Plan p. 36-38). The District's Plan would provide training to administrative personnel and teachers on the principles and goals of a desegregation plan, the implementation of effective instructional programs, effective methods for transmitting information to parents and

community about desegregation, methods of enforcing a fair, equitable discipline program in a desegregated setting, and methods of dealing with transportation problems as well as familiarity with available community and school resources and a knowledge of applicable federal and state laws. Most of the training described in the KCMSD Plan is aimed at assisting in the desegregation of KCMSD and not aimed directly at the quality education components of this plan.

The State Plan incorporates staff development as a part of the individual components, such as the instructional management system component. It relies upon a train-the-trainer approach in which selected key personnel in each school would be provided extra training and those individuals would go back to that school and provide training to the remaining teachers.

KCMSD is ordered to establish a staff development program. This program will be developed in conjunction with the public relations programs to be implemented by the District. The desegregation public relations program, which is aimed at informing and soliciting the support of community members, shall use the KCMSD staff in spreading the word throughout the community about the desegregation plan.

In addition, following decisions made by the school advisory committees and the school board as to the expenditures of funds in the effort to improve student achievement throughout the district, specific training needs of the individual teachers and principals shall be determined and a staff development program planned and implemented. Stipends for after school, weekend and summer staff development sessions, shall be available only when it is impossible to conduct the training and development within the normal work schedule. A fund of $500,000 shall be provided to the KCMSD by the State of Missouri for the payment of stipends.



*Mandatory Student Reassignment*

In 1977 the KCMSD implemented a desegregation plan developed by approximately 65 community members chosen to represent parents, students, teachers and various Kansas City groups and organizations (testimony of Sue Fulson). A number of alternative proposals were submitted to the KCMSD School Board and the version eventually approved was designated "6C" (testimony of Dr. Paul Holmes, Sue Fulson). The goal of Plan 6C was to have a minimum of 30% minority enrollment, with the exception of kindergarten classes, in every KCMSD school. Prior to implementation of this plan the enrollment in KCMSD was 65.6% minority students. Twenty of the district's schools were from 30 to 80% minority, 25 were less than 30% minority, and 41 were more than 80% minority (KCMSD Exh. K-2). Following the implementation of Plan 6C, boundary lines were changed, elementary schools were paired and clustered, enlarged secondary attendance zones were created, allowing two-way reassignment of students, noncontiguous zoning was implemented, and as a result, more than 16,000 KCMSD students had their school assignments changed (testimony of Dr. Paul Holmes, KCMSD Exh. K-70-74, 76). Following Plan 6C implementation, no KCMSD school enrolled less than 30% minority students in grades 1 through 12. Enrollment since that time has decreased by almost 30%, while white enrollment has decreased by more than 44% (KCMSD Exh. K-2). In 1979-80 the United States Office of Civil Rights classified KCMSD as being "in compliance" with federal requirements for school desegregation under Title VI of the Civil Rights Act of 1964 (testimony of Ward). The 1984-85 assignment patterns are the same assignment patterns which were approved by the Office of Civil Rights in 1978 except for adjustments made due to school closings (testimony of Paul Holmes). The KCMSD enrollment for 1984/85 was 36,259 total students with 68.3% of them being Black, 26.7% being non-minority, 3.7% Hispanic, and 1.3% other minority groups (KCMSD Exh. K-74).

The KCMSD proposes to continue the existing student assignment plan, with appropriate modifications for any school closings (KCMSD Plan pp. 2-5). This proposal would require that any modifications for school closings be conducted so that the highest level of desegregation feasible will be achieved and so that each school in the KCMSD will achieve an enrollment of no less than 30% minority for grades 1 through 12. Furthermore, KCMSD's plan would continue to restrict transfers which inhibit desegregation and permit voluntary transfers of students from schools in which they are in the racial majority to a school in which they would be in the racial minority (KCMSD Plan p. 6).

The State Plan proposes to "reduce the percentage of black students in schools where they represent a disproportionate share of the students (compared to the enrollment of the District as a whole). . . ." (State Plan pp. 9-13). The State estimates that in order to achieve this goal and obtain an enrollment more proportionate to the district's percentages as a whole, approximately 4,270 students would need to be transferred at a cost in excess of $5,000,000. Initially, however, the State proposes to conduct computer simulations in order to determine the feasibility of additional transfers to achieve a more proportionate enrollment in each school in the district (testimony of Dr. Terry Stewart). In conducting this study the State proposes to take into account all practical limits on actually achieving greater intradistrict racial integration. These limits include the importance of a student attending a school as near his home as possible, the important role that parent and student choice can play in making any reassignment plan work, and any other potential barrier to an effective reassignment plan (testimony of Dr. Terry Stewart, State Plan at p. 9).

Nineteen of the 50 elementary schools in the KCMSD presently have an enrollment of 90% or more black students. The enrollment in three of the eight junior high schools in the KCMSD is presently 90% or more black. Three of the eight



senior high schools have enrollments which are 90% or more black (excluding Lincoln Academy South and North). (KCMSD Exh. K-74).

The KCMSD and the plaintiffs oppose any further mandatory student reassignment at this time. KCMSD's witnesses expressed the opinion that generally mandatory student reassignment would result in further white withdrawal from the school district and specifically that, if the State's plan was implemented, it could result in moving more blacks into racial isolation (testimony of Dr. Daniel Levine at 22,224, testimony of Dr. Eugene Eubanks at 22,447, testimony of Dr. Paul Holmes). In regard to the State plan, Dr. Holmes testified that if racial isolation is defined as a school with 50% or more minority, then in attempting to achieve student body ratios in each school which are proportionate to the district wide ratios, the State's Plan could result in moving a black student from a less racially isolated environment to one which is much more racially isolated. In addition to Dr. Eubanks and Dr. Levine, there was extensive testimony provided by other witnesses that implementation of any further mandatory student reassignment would result in what is known as "white flight." (the withdrawal of white student enrollment to private schools or the exodus of white families to the suburbs). (testimony of Sue Fulson, testimony of Dr. Gary Orfield, testimony of Dr. Willis D. Hawley).

White flight is no excuse for school officials to avoid the implementation of a reasonable desegregation plan. *Monroe v. Board of Commissioners,* 391 U.S. 450, 459, 88 S.Ct. 1700, 1704, 20 L.Ed.2d 733 (1968). Further, concern over white flight cannot justify any decision to do less than what is necessary to secure the constitutional rights of the students of the KCMSD. *Wright v. Council of the City of Emporia,* 407 U.S. 451, 456-57, 92 S.Ct. 2196, 2200-01, 33 L.Ed.2d 51 (1972). Therefore, while white flight may be "cause for deep concern," it cannot be accepted for achieving anything less than the "complete uproot-

ing of the dual public school system." *United States v. Scotland Neck City Board of Education*, 407 U.S. 484, 491, 92 S.Ct. 2214, 2218, 33 L.Ed.2d 75 (1972).

However, "[t]he constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole." *Swann v. Charlotte Mecklenburg Board of Education*, 402 U.S. at 24, 91 S.Ct. at 1280. Nor is the existence of a small number of one-race or virtually one-race schools within a school district "in and of itself the mark of a system that still practices segregation." *Id.* at 26, 91 S.Ct. at 1281. "The criterion for determining the validity of provisions in a desegregation plan is whether they are reasonably related to the ultimate objective." *Tasby v. Wright*, 713 F.2d 90, 97 (5th Cir.1983). Therefore, "[w]hile the fear of white flight cannot be accepted as a reason for not acting [citations omitted] the Court may elect a constitutionally permissible plan calculated to minimize white boycotts." *Id.* at 99. That is why the concern over white flight may be taken into account "when it is not advanced to thwart mandatory desegregation (or to perpetuate segregation), but rather to promote a wider integration." *Parent Association of Andrew Jackson High School v. Ambach*, 598 F.2d 705, 720 (2d Cir.1979). In fact, situations in which the United States Supreme Court has rejected use of white flight as a factor in determining or limiting a desegregation remedy were all cases in which a school board had invoked white flight in order to avoid real integration. *Monroe v. Board of Commissioners, supra* 391 U.S. at 450, 88 S.Ct. at 1700; *Wright v. Council of the City of Emporia, supra* 407 U.S. at 451, 92 S.Ct. at 2196; *United States v. Scotland Neck City Board of Education, supra* 407 U.S. at 484, 92 S.Ct. at 2214. Thus, while the concern over white flight cannot be accepted as a reason for achieving anything less than the "complete uprooting of the dual public school system," *United States v. Scotland Neck City Board of Education, supra* at 491, 92 S.Ct. at 2218, the failure to include remedial measures to prevent such flight could



itself be a reason why a desegregation plan could achieve something less than "complete uprooting." *See*, Paul Gewirtz, *Remedies and Resistance*, 92 Yale Law Journal 585, 642 (1983). Recognizing the impact white flight can have on the effectiveness of a remedial plan is nothing more than recognizing that there is a difference between "catering to bias" and seeking to minimize patron resistance. *United States v. Board of Education*, 554 F.Supp. 912, 924-25 (N.D.Ill. 1983). This difference has been recognized by the Eighth Circuit in *Clark v. Board of Education*, 705 F.2d 265, 269-72 (8th Cir. 1983) (in order to prevent white flight and stabilize the integration process in a system that was 65% black a district court may reduce the black population in some integrated schools and thereby maintain a number of all black schools); and in *Adams v. United States*, 620 F.2d 1277, 1291-97 (8th Cir.) (to prevent white flight in a school system with 75% black enrollment, a desegregation plan need not reassign additional black children to schools with at least 30% black enrollment even though all-black schools remain), *cert. denied*, 449 U.S. 826, 101 S.Ct. 88, 66 L.Ed. 2d 29 (1980), *on remand sub nom., Liddell v. Board of Education*, 491 F.Supp. 351, 356 (E.D.Mo. 1980) (adopting plan), *aff'd* 667 F.2d 643 (8th Cir.), *cert. denied*, 454 U.S. 1081, 102 S.Ct. 656, 70 L.Ed.2d 629 (1981).

"Having once found a violation, the district judge or school authority should make every effort to achieve the greatest possible degree of desegregation, taking into account the practicalities of the situation." *Davis v. Board of School Commissioners supra* 402 U.S. at 37, 91 S.Ct. at 1292. Therefore, it is incumbent upon this Court to further explore any reasonable potential for achieving further desegregation. As such, the State's proposal for further study, modified in its goal, must proceed. In proceeding the study should revise its goal. Instead of seeking to reassign students in order to achieve the same ratio of minority students to non-minority students in each school that exists in the enrollment of the district as a whole, the study should seek to

determine the feasibility of further reductions in the percentage of black students in the 25 schools where the enrollment remains 90% or more black, while recognizing the need for students to attend schools as close to home as possible. Total cost for this study should not exceed $175,000 and it shall be completed by the end of the 1985/86 school year. KCMSD's Plan 6C shall remain in full force and effect with any modification of the Plan being implemented only after review by the Monitoring Committee and approval by the Court.

The evidence is clear, further mandatory student reassignment at this time will only serve to increase the instability of the KCMSD and reduce the potential for desegregation. Unless and until this or other studies show that further mandatory student reassignment can achieve additional desegregation without destabilizing the desegregation which presently exists, then realization of further desegregation of the district must depend upon other components of this plan.

*Volunteer Interdistrict Transfers*

To accomplish desegregation within the boundary lines of a school district whose enrollment remains 68.3% black is a difficult task. As this Court stated in its January 25, 1985 order, "because of restrictions on this Court's remedial powers in restructuring the operations of local and state government entities," any *mandatory* plan which would go beyond the boundary lines of KCMSD goes far beyond the nature and extent of the constitutional violation this Court found existed. However, there are avenues available to the State of Missouri and the KCMSD which present the opportunity for increasing the desegregative educational experiences of the students within the Kansas City metropolitan area.

Achievement of AAA status, improvement of the quality of education being offered at the KCMSD schools, magnet schools, as well as other components of this desegregation plan can serve



to maintain and hopefully attract non-minority student enrollment. In addition, voluntary interdistrict transfers may serve to provide additional opportunities for desegregated schools as well as desegregative educational experiences for KCMSD students. Such plans have received encouragement from the Eighth Circuit in similar situations, *Liddell VII,* 731 F.2d 1294 (8th Cir.1984) (en banc), *cert. denied*, 469 U.S. 816, 105 S.Ct. 82, 83 L.Ed.2d 30 (1984). In St. Louis voluntary interdistrict transfers have resulted in increased desegregation (testimony of Dr. Susan Uchitelle).

Therefore, the State of Missouri shall actively seek the cooperation of each school district in the Kansas City, Missouri metropolitan area in a voluntary interdistrict transfer program. On or before the end of the 1985/86 school year the State of Missouri shall report to the Monitoring Committee listing the suburban districts which have agreed to participate, stating how many students each district has agreed to accept as well as the number of students which would transfer to the KCMSD. KCMSD shall also report to the Monitoring Committee the number of its students which would transfer to a suburban district. If any of the suburban districts volunteer to participate in inter-district transfers, the program shall begin with the 1986/87 school year.

The State will be required to pay for the transportation and tuition costs of any KCMSD black student who wishes to transfer from a school within KCMSD in which their race is in the majority, (with preferences for students from schools with enrollments of 90% or more black students), to a school where space is available in another school district in the Kansas City metropolitan area in which their race is in the minority. In addition, the State shall pay for all transportation costs and the foundation allotment for non-minority students living in other school districts, who transfer to schools in the KCMSD, having a minority enrollment of 50% or more. Furthermore, the State shall continue to pay to the KCMSD the full student foundation

allotment for each student who transfers from the KCMSD to a suburban school district and to each suburban school district for each student who transfers from a suburban district to KCMSD. The receiving district will agree not to reject individual applicants unless there is a history of serious disciplinary problems, will allow the transfer student to remain in attendance until such student graduates or returns to the student's home district, as long as that student satisfies all academic and other standards applicable to all resident students, will treat interdistrict transfer students in the same manner, in all regards, as they treat resident students, and will permit KCMSD to recruit applicants for interdistrict transfers within its district. Any additional agreements between KCMSD and any participating metropolitan area school district shall be presented to the Monitoring Committee for review and action. Furthermore, the State of Missouri will be required to provide a full-time counselor for every 100 students who transfer from KCMSD to a Kansas City, Missouri area metropolitan school district. This counselor shall be in the employment of KCMSD and shall spend a proportionate amount of time at the suburban schools in which the KCMSD transfer students are enrolled.

Finally, upon submission of its report to the Monitoring Committee concerning the willingness of other school districts to participate in such a voluntary program, the State shall include an estimated budget for the potential transfers.

*Capital Improvements*

KCMSD is currently utilizing 50 elementary school buildings, 9 junior high buildings, and 9 senior high buildings (testimony of E. Allen Roth). The average age of the 68 school buildings utilized by the KCMSD is 58 years (testimony of E. Allen Roth).

The current condition of the 68 school facilities adversely affects the learning environment and serves to discourage parents who might otherwise enroll their children in the KCMSD (testimony of Dr. Levine, Dr. Eubanks, Sue Fulson, E. Allen Roth). The deterioration of the facilities is due to a deferred maintenance program which has extended over the past 10 to 15 years (testimony of E. Allen Roth). The deferred maintenance is a result of KCMSD's lack of financial resources as evidenced by its inability to pass a capital improvements bond issue, although several attempts have been made since 1965 (testimony of Carl Struby).



The deteriorating conditions of the facilities include safety and health hazards, educational environment impairments, functional impairments, and appearance impairments (testimony of E. Allen Roth, KCMSD Exhibit K-81, Devine James Study). The problems include extremes of heat and cold due to faulty heating systems, peeling paint, broken windows, odors resulting from inadequate and deteriorating ventilation systems, improper lighting, wiring problems, inadequate storage, lack of appropriate space for library and resource rooms, crumbling playground equipment installed over hard surfaces, water damage due to roof leakage, and deterioration of steps in school access areas (KCMSD Exhibit K-87, 67 slides of schools).

The improvement of school facilities is an important factor in the overall success of this desegregation plan. Specifically, a school facility which presents safety and health hazards to its students and faculty serves both as an obstacle to education as well as to maintaining and attracting non-minority enrollment. Further, conditions which impede the creation of a good learning climate, such as heating deficiencies and leaking roofs, reduce the effectiveness of the quality education components contained in this plan.

During fiscal year 1985, under a Missouri statute permitting the organization of a not-for-profit corporation which would issue bonds for capital improvements to school buildings, the KCMSD raised $10,000,000 to permit correction of some of the

more extreme problems within the school building facilities presently being used. Under that statute KCMSD makes rental payments to the not-for-profit corporation, which has been granted title to these buildings, out of its operating budget in the amount of approximately $1,300,000 annually. These funds are utilized to pay the bond obligations (testimony of Carl Struby).

At the request of the KCMSD, E. Allen Roth, a licensed architect, examined 19 of the 68 school buildings and for four of the school buildings prepared a detailed cost estimate and specifications for correcting facility deficiencies. Based upon these visits, the 1980 Devine James study, and taking of bids for the partial work, Mr. Roth concluded that total costs for building rehabilitation in the KCMSD, to return the buildings to a point where they could be safe and appropriate for educational programs, would be between $55,000,000 and $70,000,000. Mr. Roth further estimated that the work could be completed within a three to four year time period (testimony of E. Allen Roth).

The State (State Plan p. 111) proposes a $20,000,000 facilities improvement program with the state making a one time contribution not to exceed $10,000,000. The purpose of this facility improvement program would be to promote and encourage the KCMSD to "strive for excellence in the care, maintenance, and upkeep of its facilities." (State Plan at p. 11). The State indicated that first priority should be given to those schools in which the student population was 90% or more black. These funds would be to correct safety hazards at the most severe level of inadequacies. The State argues against the adoption of a more comprehensive facility improvement program as a part of the desegregation plan for four reasons. First, the present condition of the facilities, according to the State, is not traceable to the unlawful segregation found to have existed by this Court. Second, the present condition of facilities is due to the lack of maintenance on the part of the KCMSD and its failure to appropriate adequate funds to correct these problems. Third, the improvements are not necessary in order to carry out the quality education components of the desegregation plan (testimony of Carla Santorno). Finally, the State contends that the $55,000,000 to $70,000,000 estimates made by the KCMSD and its architect E. Allen Roth, are excessive and that $20,000,000 would be sufficient to cover the health and safety problems which exist in the school district.



The State does not dispute that there are serious structural and environmental problems throughout the facilities utilized by the KCMSD. The State's argument that the present condition of the facilities is not traceable to unlawful segregation is irrelevant. *Tasby v. Wright, supra* at 97; *Haycraft v. Board of Education*, 585 F.2d 803, 805 (6th Cir.1978); *Clark v. Board of Educ. of Little Rock School District*, 465 F.2d 1044 (8th Cir.1972). Further, the State's argument that the present problems are due to a lack of maintenance on the part of the KCMSD is simply further evidence of the detrimental effects that segregation has had on this school district's ability to raise adequate resources. The State's argument that the facility improvements are not necessary in order to carry out the educational components of a desegregation plan fails to address this Court's responsibility in remedying the vestiges of segregation or in implementing a desegregation plan which will maintain and attract non-minority enrollment.

The Court finds that in order for other components of this plan to be effective, it is imperative that improvements be made in the KCMSD's facilities. In arriving at an equitable apportionment for the cost of facility improvements, the Court takes into consideration that KCMSD has spent somewhere between $15,000,000 and $18,000,000 in the implementation of Plan 6C for which it was not reimbursed and for the 1986 fiscal year has budgeted approximately $17,000,000 for desegregation programs which are not covered in this plan. KCMSD has available the sum of $10,000,000 for capital improvements. The Court is of the opinion that the State should match this figure plus an

additional $17,000,000 for immediate facility improvements. It will not be possible nor prudent to attempt to make all necessary facility improvements simultaneously. Therefore, as soon as possible, the KCMSD shall submit a $37,000,000 capital improvements plan developed by architects and engineers to the Monitoring Committee to be implemented as expeditiously as possible under a cost effective improvement program. After capital improvements have been made, it will be incumbent upon KCMSD to include in its budget funds for the maintenance of the improved facilities.

These initial improvements shall focus on the following three priorities: (1) eliminating safety and health hazards; (2) correcting those conditions existing in the KCMSD school facilities which impede the level of comfort needed for the creation of a good learning climate; and (3) improving the facilities to make them visually attractive. After the submission of the $37,000,000 improvement plan, KCMSD shall then review other capital improvements needed in order to bring its facilities to a point comparable with the facilities in neighboring suburban school districts. At this time the Court reserves judgment as to whether the State will be required to make any additional expenditures for capital improvements beyond the $37,000,000 set forth above.

*Plan Administration*

The success of this desegregation plan depends upon the KCMSD's ability to integrate this plan's components into ongoing district activities. Some administrative expenses are built into the component's budget, such as early childhood development, effective schools, voluntary interdistrict transfers, magnet schools and summer school. Some components will generate little, if any, administrative overhead, such as before and after school tutoring.

The Court, however, will order the KCMSD to hire an additional public information specialist at a total cost of $25,000 with



supplies and related expenses of $5,000 for a maximum expenditure of $30,000. This individual shall be responsible or developing and implementing a public information program regarding the KCMSD desegregation plan. The main focus of the public information effort shall be to solicit community support and involvement in the plan. Costs will be paid by the State of Missouri.

Beyond the public information program and the administrative expenditures built into the individual desegregation plan components, the KCMSD shall provide for administration of this plan with existing administrative personnel.

*Monitoring Committee*

Monitoring of the desegregation plan is an essential function to the success of the plan (testimony of Dr. Daniel Levine, Sue Fulson, Dr. Willis D. Hawley). The monitoring function is one which should be conducted by individuals or organizations independent of the parties involved, to enable the Court to have an objective assessment of the progress and problems encountered in implementing the desegregation plan.

There shall be a Monitoring Committee to oversee the implementation of this plan. The Committee shall be composed of ten individual members, four of whom shall be Black, four White and two Hispanic. It shall be organized as follows: A Budget Committee with three members, one of whom shall be the chairperson; a Desegregation Committee with three members, one of whom shall be the chairperson; an Education Committee with three members, one of whom shall be the chairperson; a general chairperson of the ten member committee who shall be an ex officio member of each of the three subcommittees; and an Executive Committee comprised of the general chairperson and the chairpersons of each of the three subcommittees.

The overall Monitoring Committee shall have the responsibility for conducting evaluations and collecting information and making recommendations for any modifications concerning the implementation of the plan.

At the outset, the Executive Committee should set out with specificity the areas of responsibility of each of the other three subcommittees. The Executive Committee shall have the responsibility of making all reports to the Court concerning progress or problems in the implementation of the plan. Each person on the Executive Committee shall have one vote. If however the Executive Committee is evenly divided on any issue, the general chairperson shall have the tie breaking vote. All decisions or recommendations of the Budget, Desegregation and Education Committees shall be referred to the Executive Committee for final review and action. Every attempt should be made by all members of the overall committee and each member of the subcommittees to reach an agreement on all issues and recommendations which will avoid bringing matters before this Court.

The members of the overall Monitoring Committee shall be selected by the Court. The State of Missouri, KCMSD and the American Federation of Teachers Local 691 (AFT 691) shall each submit the names of nine nominees for appointment to the Committees—three each for the Budget Committee, the Desegregation Committee and the Education Committee. One nominee submitted by each party will be appointed by the Court to serve on the committee for which the nominee was named. The plaintiffs shall submit the names of three nominees, one of whom will be appointed by the Court as the general chairperson of the Monitoring Committee. The nominees shall be submitted to the Court on or before Monday, July 15, 1985. Each nominee shall be prepared to attend a hearing to be held August 1, 1985 commencing at 10:00 a.m. The criteria this Court will use in selecting the general chairperson will include, among other things, the individual's independence from the parties in this



case, the individual's commitment to the implementation of the desegregation plan, the ability of the individual to spend the required amount of time in directing the committee's overall activities, and the individual's background as it relates to community involvement, education and other related matters. The general chairperson's role will be a pivotal one. The responsibilities will include insuring that the subcommittees are carrying out their functions in a responsible and efficient manner, that the Court is properly informed in a timely manner concerning problems and recommendations in regard to the desegregation plan and attempting to assist all parties involved in reconciling differences that might arise among themselves rather than presenting disputes for resolution by this Court.

Nominees submitted for each of the committees shall have experience and expertise in the areas of general responsibility of the committee for which they are nominated, they should be independent from any of the parties involved in the case, they should be committed to the successful implementation of the plan and have the ability to spend the time required to respond to the obligations of the committee.

Each member of the overall Monitoring Committee shall be appointed to serve a two year term. Any member of the Committee whose continued service is not in the best interests of the function of the committee may be removed by the Court for cause. Any vacancies shall be filled by the Court in the same manner in which the original appointment was made.

The Committee shall report to the Court at such times as it feels necessary concerning problems involved in the implementation of the plan except that it shall make an annual report on or before the first day of July of each year. The Committee shall have authority to make such investigations as it deems necessary in fulfilling its responsibilities for the monitoring of the plan.

To aid the Monitoring Committee in carrying out its function the Court establishes a monitoring office composed of an execu-

tive secretary with appropriate professional training and experience to be appointed by the Executive Committee of the general Monitoring Committee, along with a clerical employee with an annual budget of $142,200, the cost of which shall be borne solely by the State. The budget shall be composed of the annual salary for the executive secretary, including fringe benefits, not to exceed $50,000; the clerical employee's maximum salary, including fringe benefits, of $20,000; and there shall be $20,000 for equipment, supplies and other expenses for operation of the monitoring office. Office space for the monitoring office shall be furnished free of charge by KCMSD.

There shall be $52,200 made available for per diem payments to members of the Monitoring Committee. The general chairperson shall be paid $60 per hour for up to a maximum of 120 hours annually as per diem for that individual's efforts on behalf of the committee. The other committee members shall receive $50 per hour for up to a maximum of 100 hours per year as per diem for their efforts on behalf of the committee. Expenses incurred by members of the committee shall be paid out of the $20,000 budgeted for equipment, supplies and other expenses.

*Financing Summary*

In its September 17, 1984 order this Court stated that "much of the costs for preparing and implementing a plan to dismantle the vestiges of a dual school system in the KCMSD should be borne by the State." *Jenkins v. State of Missouri,* 593 F.Supp. 1485, 1506 (W.D.Mo. 1984). This determination was based upon the Court's earlier finding that the State had the "primary responsibility for insuring that the public education systems in the State comport with the United States Constitution." *Id.* at 1506. However, as a defendant found to be liable, KCMSD should pay for part of the costs involved in the implementation of this Plan.

The KCMSD has spent considerable funds on programs supporting desegregation within the district. (*See*, KCMSD Exh.



K-80, K-95, K-78, K-78A). In the upcoming year KCMSD has budgeted between $15,000,000 and $17,000,000 for programs directly or indirectly related to desegregation and has provided approximately $15,000,000 to $18,000,000 in funding for implementation of desegregation Plan 6C since 1977.

The State of Missouri shall bear the estimated costs involved for a period of three years in the following components:

| | Ist Year | 2nd Year | 3rd Year | TOTAL |
|---|---|---|---|---|
| Improved Student Achievement | 4,025,000 | 5,725,000 | 7,425,000 | 17,175,000 |
| Voluntary Inter-District Transfers | open | open | open | open |
| Magnet Schools | 85,000 | open | open | 85,000 (open) |
| Student Reassignment | 175,000 | open | open | 175,000 (open) |
| Reducing Class Size | 2,000,000 | 4,000,000 | 6,000,000 | 12,000,000 |
| Administrative Costs | 30,000 | 30,000 | 30,000 | 90,000 |
| Staff Development | 500,000 | —0— | —0— | 500,000 |
| Summer School | 222,500 | 454,500 | 454,500 | 1,131,500 |
| AAA Status | 2,369,250 | 1,419,250 | 1,419,250 | 5,207,750 |
| All Day Kindergarten | 546,000 | 546,000 | 546,000 | 1,638,000 |
| Before & After School Tutoring | 104,400 | 104,400 | 104,400 | 313,200 |
| Early Childhood Development | 616,674 | 616,674 | 616,674 | 1,850,022 |
| Monitoring Office & Committee | 142,200 | 142,200 | 142,200 | 426,600 |
| Capital Improvements | 27,000,000 | open | open | 27,000,000(open) |
| TOTAL | $37,816,024 | $13,038,024 | $16,738,024 | $67,592,072 |

The KCMSD shall bear the estimated costs in the following components, many of which will be for a minimum of three years:

| | Ist Year | 2nd Year | 3rd Year | TOTAL | |
|---|---|---|---|---|---|
| Summer School | 222,500 | 454,500 | 454,500 | 1,131,500 | |
| AAA Status | 2,369,250 | 1,419,250 | 1,419,250 | 5,207,750 | |
| All Day Kindergarten | 546,000 | 546,000 | 546,000 | 1,638,000 | |
| Before & After School Tutoring | 104,400 | 104,400 | 104,400 | 313,200 | |
| Early Childhood Development | 616,674 | 616,674 | 616,674 | 1,850,022 | |
| Capital Improvements | 10,000,000 | open | open | 10,000,000 | (open) |
| TOTAL | $13,858,824 | $3,140,824 | $3,140,824 | $20,140,472 | |

The current operating levy for the KCMSD is $3.75 (State Exh. 18, testimony of Carl Struby). However, the $3.75 levy when, adjusted under § 164.013 of the Mo. Rev. Stat. (the proposition C rollback), results in the KCMSD having an operating levy of $3.26 (testimony of Carl Struby, KCMSD Exh. K-97). The $3.26 actual operating levy will be further reduced as a result of the state-wide reassessment (§ 137.073 Mo.Rev.Stat., testimony of Carl Struby). The uncontradicted testimony of KCMSD Board of Education treasurer Carl Struby is that the budget for the upcoming school year is presently $3,000,000 short of revenue and the only unallocated funds are an $850,000 to $1,000,000 contingency fund. Therefore, the KCMSD is presently unable to finance its portion of this school desegregation plan.

It is noted that legislation recently signed by the governor will permit the KCMSD to raise its reduced levy up to the preassessment level by a simple majority vote. Thus, after reassessment, local revenues will be able to be increased by a majority vote instead of the two-thirds vote which is presently required.



The presentation of a tax levy to the voters prior to the upcoming school year would be impossible because of the time constraints under which the school district is operating. Furthermore, it is extremely unlikely that such a proposal would receive the two-thirds majority presently required (testimony of Carl Struby, testimony of Sue Fulson).

The Eighth Circuit in the St. Louis desegregation plan recognized that "the district court's equitable power includes the remedial power to order tax increases or the issuance of bonds. . . ." *Liddell VII* at 1322. Further, the Eighth Circuit upheld the district court's increase of a tax levy when there was "no reasonable probability that such a tax levy would be approved by the required two-thirds vote in the aftermath of a desegregation order." *United States v. Missouri*, 363 F.Supp. 739 (E.D. Mo.1973), *aff'd*, 515 F.2d 1365, 1372 (8th Cir.), *cert. denied*, 423 U.S. 951, 96 S.Ct. 374, 46 L.Ed.2d 288 (1975). *See also, Griffin v. School Board*, 377 U.S. 218, 233, 84 S.Ct. 1226, 1234, 12 L.Ed.2d 256 (1964) (where the Supreme Court upheld a district court's order that the supervisors exercise their power to levy taxes to raise funds adequate to reopen, operate and maintain without racial discrimination a public school system).

While this Court has the necessary authority to order a tax increase to finance that portion of the desegregation plan for which the KCMSD has responsibility, this Court hesitates to take such action. When a Court considers the possibility of imposing a tax rate as an aspect of its desegregation decree, "there occurs a tension between two venerable maxims of the American tradition: 'Taxation without representation is tyranny' becomes the banner of some of those who are to be taxed, while the district court, safeguarding the effective implementation of its order, is deeply cognizant of the venerable phrase that "the power to tax involves the power to destroy." *McCullough v. Maryland*, 17 U.S. (4 Wheat), 316, 427, 4 L.Ed. 579 (1819); *Evans v. Buchanan*, 582 F.2d 750, 777 (3d Cir.1978), *cert. denied*, 446 U.S. 923, 100 S.Ct. 1862, 64 L.Ed.2d 278 (1980).

However, because the present financial resources of the KCMSD makes it impossible for it to appropriate funds necessary to implement the school desegregation order of this Court, and because of the extreme unlikelihood, due to the recent history of tax levy defeats and time constraints, that a tax levy proposal would be received favorably by two-thirds of the voting patrons of the KCMSD, it is hereby ordered that the tax levy rollback required by § 164.013 Mo.Rev.Stat., (the Proposition C rollback) shall be enjoined to the extent necessary to raise an additional $4,000,000 for the coming fiscal year. This one year procedure was utilized by the federal district court in the Eastern District of Missouri in *Liddell v. State of Missouri* 567 F.Supp. 1037, 1056 (1983), and upheld by the Eighth Circuit Court of Appeals in *Liddell v. State of Missouri*, 731 F.2d 1294 (8th Cir.) (en banc), *cert. denied*, 469 U.S. 816, 105 S.Ct. 82, 83 L.Ed.2d 30 (1984) (*Liddell VII*).

This rollback will be in effect for one year only. It will provide the KCMSD with an opportunity to present a tax levy proposal to its patrons at the next regularly scheduled school election. Therefore, it is ordered that the KCMSD shall submit a tax levy increase proposal to its patrons at the next regularly scheduled school election which, if approved, will provide funds sufficient to pay for its cost of the desegregation plan as previously outlined.

The implementation of a school desegregation plan must deal with constitutional law, state and local politics, educational theory and social relations, and do so all at the same time. Thus, a school desegregation plan is more than a legal principle implemented through this Court within the KCMSD, but a process which requires the cooperation of all parties, and general acceptance by KCMSD patrons as well as the citizens of the State of Missouri, in order to be truly successful. The plan adopted by this Court represents an effort to give meaning to the constitutional mandate expressed by the Supreme Court thirty years ago,



while seeking to be effective in the real world. The plan seeks to be supportive of those high principles which separate our society from those which lack a commitment to human dignity. But the success of this plan rests in others' hands, for to have a society where equal justice under the law is a "living truth" requires commitment of more than this nation's courts, but of the citizenry which those courts serve.

While jurisdiction is retained by this Court for certain matters as set forth in the foregoing order, the Court considers this order together with previous orders entered by this Court to be a final appealable judgment in this case. The Clerk is therefore directed to remove this case from the Court's docket.

## APPENDIX C

IN THE UNITED STATED DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

No. 77-0420-CV-W-4

KALIMA JENKINS, et al.,
Plaintiffs,

vs.

STATE OF MISSOURI, et al.,
Defendants.

## ORDER

[Filed: June 16, 1986]

Several motions are pending in this case including KCMSD's motion to amend the budget for the full-day kindergarten program, KCMSD's motion for an order permitting personnel hired for the desegregation programs to be paid according to salary schedule, KCMSD's motion for adjustment of the 1986/87 desegregation plan budget, KCMSD's motion for approval of the 1986/87 magnet programs. In addition, plaintiffs filed a motion seeking to clarify whether Kansas suburban schools are a part of the voluntary interdistrict transfer program. Intervenor AFT Local 691 filed a motion for an order for additional funds to finance the desegregation plan. The motions will be granted in part and denied in part as outlined below in the following order.

*Public Information*

This Court allocated $30,000 to allow KCMSD to hire an additional public information specialist whose responsibility was to develop and implement a public information program regarding the KCMSD desegregation plan. The main focus of that public information effort was to solicit community support



and involvement in the plan. There is little evidence that the district has fulfilled the intended goals of the Court's mandate in this area. Therefore, KCMSD shall develop and submit by August 1, 1986 a plan to the Desegregation Monitoring Committee detailing how the District plans to accomplish the public information goals for 1986/87.

*IMPROVING STUDENT ACHIEVEMENT*

*Triple AAA Achievement*

The Missouri Department of Elementary and Secondary Education's (DESE) annual evaluation of KCMSD revealed that the District had reached AAA status in all areas except one, KCMSD needs additional resources to meet the library or "school learning resource center" standards. The original library assessment was not conducted by trained library personnel (testimony of Casner, p. 91). After KCMSD hired additional professional librarians under the desegregation remedial plan a new evaluation was conducted and presented to DESE for review. The DESE and KCMSD's analysis as to materials needed is identical (testimony of Casner, p. 93).

Further, a projected increase in student enrollment for school term 1986/87 will require the hiring of one (1) additional librarian in order to continue to meet AAA standards in this area.

Finally, due to the KCMSD's established salary schedule many of the 125 professional staff and 31 teacher aides hired during year one of the desegregation program are eligible for increased compensation. Thus, actual year two costs, incorporating the increase in compensation, for 125 professional staff members and 321 teacher aides will be $3,821,786 (Testimony of Gaunt, p.170).

The hiring of art, music, physical education and planning time teachers, as well as teachers aides, has brought the District from AA to AAA rating in the areas of teaching load and curriculum.

The District now meets AAA standards for pupil personnel services through the hiring of additional counselors. And while additional library staffing may eventually be necessary to improve reading performances at low achieving elementary schools where a high proportion of economically disadvantaged minority students attend, KCMSD is now in compliance with AAA standards for librarians.

KCMSD is ordered to take those steps necessary to reach a AAA rating in all component areas during the spring 1987 DESE evaluation. Only one area lacks AAA rating: library resources. Sufficient funds will be provided to purchase, inventory and distribute the needed books and materials. The State of Missouri shall *not* grant AAA status to KCMSD based upon a *plan* to acquire the needed resources. A student cannot read a book until it is on the library shelf, or use a globe until it is at the school. Thus, the achievement of AAA ranking will be based upon the District's actual resource inventory.

KCMSD is to budget $8,790,697 in order to become a AAA ranked district by the end of the 1986/87 school term. The State of Missouri will pay a maximum of $4,737,380 of this total amount, with KCMSD paying the balance of $4,053,317. Any carryover from year one of the desegregation remedial plan will be used to reduce the State's and the KCMSD's contribution in 1986/87. That carryover shall include any unexpended funds from the $950,000 originally allocated for library resources during year one.

For the 125 professionals and 31 teacher aides, the State will pay a maximum of $1,910,893 and KCMSD shall pay an equal amount. For one additional librarian, the State of Missouri and KCMSD shall split the $32,750 maximum cost of salary and fringe benefits equally. The KCMSD will continue to charge the least expensive personnel to the desegregation budget when multiple hirings occur.



For shelving required for the additional library resources, the State of Missouri and KCMSD shall share equally the maximum cost of $90,225. In the area of library resources the State shall pay no more than $2,725,000 and KCMSD shall pay the projected balance of $2,040,936, bringing the projected total to $4,765,936 (including the $950,000 originally allocated in year one budget). The State's amount shall be a one time expenditure. KCMSD's amount, $2,040,936, slightly higher than that amount needed to maintain the AAA library resources on an ongoing basis (Testimony of Casner at p. 95) shall be used annually to insure maintenance of AAA standard library resources in the remaining years of this desegregation plan.

In order to achieve AAA ranking KCMSD will be allowed $80,000 in additional personnel costs on a one time basis in order to purchase, inventory and distribute library resources. KCMSD shall submit a budget for review and recommendation to the Monitoring Committee on or before July 3, 1986 for these funds, which shall be evenly divided between the State of Missouri and KCMSD.

KCMSD shall report to the Monitoring Committee at least every 60 days, beginning not later than August 1, 1986, on their progress towards reaching district-wide AAA ranking. The report shall be detailed and include a specific analysis of progress being made by the District towards the purchases and distribution of the required resources.

The Court is firmly convinced that AAA status can be attained by the next evaluation by the DESE. The KCMSD Board of Education, superintendent, and all administrative personnel must take whatever steps are necessary in order for the District to achieve AAA status before the end of the 1986/87 school term. Such an achievement is the cornerstone in the District's efforts toward improving student achievement. Substantial and sufficient resources are available for laying this cornerstone. When those resources are coupled with a commitment on the part of the

Board of Education and administrators to reach this goal, then KCMSD will once again take its place among the AAA rated schools of this state. This Court, through its Monitoring Committee, will closely monitor the progress of the District toward achieving this goal, and looks forward to next spring when the patrons, all parties, and the District can share in the pride of regaining the AAA rating for the first time since 1977.

*Summer School*

The summer school program for the summer of 1986 is presently budgeted at a cost of $909,000 evenly divided between the State of Missouri and KCMSD. KCMSD has requested a budget expansion to $1,434,649 and the removal of caps which were contained in the June 14, 1985 order relating to per student costs. While the per student caps will be removed, the total budget for the summer school program for the summer of 1986 shall be $996,000. In addition to the operating expenditures of $996,000, the summer school budget shall include a maximum of $200,000 for transportation. These costs will be evenly divided between KCMSD and the State. These figures are based upon projected enrollment at the elementary level of 1,480, 1,200 students at the junior high level and 1,000 students at the senior high level. A modified budget shall be submitted to the Monitoring Committee's Executive Committee as soon as possible but no later than July 3,1 986. Detailed explanations shall be required in regard to the expenditures outlined in the proposed budget for the categories of awards, food, repair and maintenance, tuition and fees, and workshops. Furthermore, a detailed transportation budget shall be presented to the Monitoring Committee for review and recommendation within the same time frame. The enrichment and cooperation program which was approved in the June 14, 1985 order of this Court shall be deleted from that order and the KCMSD will not be required to operate such a program during the summer of 1985.



By January 9, 1987, the District shall report to the Monitoring committee providing a detailed plan for the 1987 summer school program. This plan shall address the need to have continuity between the regular academic year and the summer school program as well as problem areas which have been identified in the December, 1985 summer school evaluation report and those identified in the next evaluation conducted by the KCMSD evaluation office. The report submitted to the Monitoring Committee shall address the specific recommendations for improving summer school contained in these evaluations, with specific attention being paid to the marketing of a summer school program to parents, improved communications with regular schools regarding the selection of students to attend summer school, reviewing the promotion/retention policy as it relates to summer school, and providing more planning time for teachers.

*Full Day Kindergarten*

The full day kindergarten program is projected to have a student enrollment of 3,482 for the upcoming 1986/87 school term. In addition, federal funds from Chapter I programs which were used during year one of the desegregation plan to pay for 21 full day kindergarten teachers will not be available for that purpose in year two. This is due to federal regulations which govern the Chapter I program. The increase in enrollment and the decrease in federal funding available for full day kindergarten teachers requires that changes be made in the June 14, 1985 order of this Court. In addition, KCMSD's established salary schedule requires that full day kindergarten teachers who taught during year one of the desegregation program, and will remain on staff for year two, are eligible for an increase in compensation.

KCMSD needs 158 kindergarten teachers for its projected enrollment of 3,482 kindergarten students. Prior to the remedial plan KCMSD had 100 non-Chapter I kindergarten teachers. Forty-one additional teachers were hired under year one of the desegregation plan. Thus an additional seventeen kindergarten

teachers will be needed for 1986/87 school term. The increase in compensation for year one kindergarten teachers is $26,496 (Testimony of Giles at p.31). Therefore, the KCMSD shall be allowed a maximum of 58 teachers, in addition to the 100 non-Chapter I kindergarten teachers in place prior to the remedial plan, at an average cost of $28,000. In addition, the District shall be allowed $26,496 to cover an increase in compensation for those teachers hired during year one of the desegregation remedial plan. Since a portion of these funds are being utilized to replace kindergarten teachers who were compensated from Chapter I federal funds, then the District shall report to the Monitoring Committee for review and recommendation, on or before August 1, 1986 concerning how the district plans to expend the Chapter I funds which are freed up by this additional expenditure. The Court will require that Chapter I funds freed up as a result of this order to be spent in a manner compatible with the desegregation remedial plan.

Finally, the public relations staff member hired as a part of this desegregation remedial plan shall report to the Monitoring Committee on or before August 1, 1986 concerning what strategies the District has in place to inform and recruit students to its full day kindergarten program.

*Before and After School Program*

The before and after school program was operated in ten schools in the District. However, only one of the ten schools had a before school component. Present funding is at $104,400. KCMSD has requested to expand the program to 20 schools with a budget of $275,433. Because of the plans to incorporate a before and after school component in the magnet school pan and because the District has only implemented a before school component in one of the ten schools, the District's request for expansion will be denied at this time. The before and after school program, as envisioned by this Court, based upon evidence presented during the remedial hearing in May of 1985, is a



program which has the opportunity for recruiting non-minority students. It is not exclusively a tutoring program but can serve as a program for before and after school supervision. Therefore, any tutoring which may be a part of this program need not be done by certified instructors but rather can be accomplished, as pointed out in the June 14, 1985 order by cross-age instruction or peer tutoring and parental involvement. Therefore KCMSD shall redesign its before and after school program to expand the before school component to more sites and shall analyze the present sites to determine whether or not they are the best sites for attracting desegregated enrollment. A revised budget, program sites, and a program synopsis shall be provided to the Monitoring Committee for review and recommendation on or before August 1, 1986.

*Early Childhood Development Program*

The present budget for the year two early childhood development program is $1,233,348. KCMSD proposes an increase in the budget to $1,551,787 as well as approval for the expansion of the opportunity classrooms in an amount equal to the carryover from the year one budget. The Court will approve the $1,551,786 budget but will require that any carryover from the year one budget be incorporated into that amount. Costs will be shared equally by KCMSD and the State.

The District shall report to the Monitoring Committee for review and recommendation on or before July 3, 1986 on its revised budget for the upcoming school term. Specifically, the District shall provide additional information concerning the following budget category areas: tuition and fees, membership dues, supplies and materials under both the parent education and parent involvement component, contractual services under the opportunity classrooms component, equipment and furniture (since the testimony was that these items had been purchased during year one of the program.)

In addition, KCMSD shall provide ongoing reports on the progress of this program to the Monitoring Committee. The District shall provide these reports at least quarterly, beginning August 1, 1986, and the reports shall include, at a minimum, information concerning enrollment, location site, staffing and budget expenditures.

*Effective Schools*

The effective schools component of the desegregation remedial plan seeks to foster parental, patron, teacher and field administration staff involvement in the improvement of student achievement. The Court sought that involvement because effective changes in schools comes from the "bottom up" and not from the "top down." The District has requested an increase of $250,000 in this program component area for four alternative schools. These schools are alternative schools with specialized programs and their enrollment is made up of 549 students from other schools throughout the District. The Court will expand the program to allow an allotment of $75,000 to be divided among these four schools on the basis of student population. In addition, this Court will reduce the overall expenditure for the effective schools program by the amount equal to those funds which were to be received by the seven magnet schools. Therefore, $525,000 will be subtracted from the overall allocation and $75,000 will be added to the balance, coming up with a total of $5,275.000 to be paid entirely by the State of Missouri. KCMSD will provide a budget for these funds to the Monitoring Committee for review and recommendation on or before August 1, 1986.

In order to achieve the goals of this program KCMSD shall not institute any procedures or strategies which would result in normal district level activities being paid for by the effective schools component. Nor shall KCMSD reduce any present district level activities and place the financial burden on individual schools to purchase these services utilizing effective school resources.



One of the critical areas in elementary schools identified in the May, 1985 remedial hearing was that of elementary reading alignment. Several components of this Court's order of June 14, 1985 were intended in part to support a major reading alignment effort. These components included effective schools, reductions in class size, staff development, and summer school. While some progress appears to have been made with respect to elementary reading alignment, the KCMSD's formative report of February, 1986 indicates that implementation problems have been encountered. The report states that some schools were continuing to "teach *all* the objectives in the Houghton Mifflin text, rather than the reduced number," that this decision may have had a negative impact on staff development, that the majority of the reading resource teacher's time was being devoted to curriculum development rather than assistance to schools regarding alignment and that the reading coordinator was hampered by a split assignment. The evaluation indicated that there was confusion surrounding the status of the alignment manual and that this confusion should be resolved as soon as possible.

In view of the importance of elementary reading alignment, an evaluation report will be prepared during September of 1986. The report's purpose will be to determine how well teachers are implementing alignment and identify what problems are being encountered throughout the district. The report shall include identification of critical actions, time schedules, deadlines, resource allocations, and other recommendations for solving problems encountered with respect to reading alignment. The evaluation will be conducted by an external evaluator as provided in the Monitoring Committee portion of this order.

At the secondary level, reading comprehension is of central importance in improving student achievement. The degrees of reading power program (DRP) was intended to be a tool to assist in improving student achievement and producing independent learners. It appears, however, that problems have been encoun-

tered in implementing the DRP program. Based on the formative evaluation report submitted to the Monitoring Committee in February of 1986 there is uncertainty about the program's leadership, a lack of teacher involvement outside the areas of English and reading, lack of instructional support, missing computer hardware and a lack of clarity regarding the program's philosophy and district commitment.

In view of the importance of reading comprehension at the secondary level, an additional progress report on the DRP program will be prepared and submitted by KCMSD to the Monitoring Committee on or before July 15, 1986 describing critical actions, time schedules, deadlines, resource allocations and other details of a plan for solving problems encountered with respect to the DRP program.

Another major intervention program designed to improve secondary school student's performance is the school within a school (SWAS) program. A February, 1986 evaluation made numerous recommendations regarding the effective implementation of SWAS including the development of a coordinated curriculum for each of the SWAS areas; improvement in policies and procedures, provision of adequate materials, supplies and equipment, and improvement of staff development. KCMSD is ordered to submit a detailed plan for improved implementation of the SWAS program in 1986/87. This report should be submitted to the Monitoring Committee on or before August 1, 1986. The report shall include details concerning how much time of individual personnel involved will be devoted to SWAS program, as well as details on funding, staffing, staff development and time schedules for 1986/87.

*Voluntary Interdistrict Transfer*

The State of Missouri was given the responsibility for actively seeking the cooperation of each school district in the Kansas City, Missouri metropolitan area in a voluntary interdistrict



transfer program (VIDT). On June 4, 1986, the State of Missouri provided this Court with written responses from eleven suburban school districts. All school districts stated that they were not interested in becoming involved in a transfer program at this time. Several of the districts stated that their refusal to participate was based upon the pending litigation between KCMSD and themselves.

Some communication between the State and the Missouri suburban districts must be conducted confidentially. However, as an arm of the Court, the Monitoring Committee has the responsibility for overseeing what progress is being made in each of the components of the desegregation remedial plan including VIDT. The Committee cannot function, and thus the Court cannot properly respond, unless the parties provide it with sufficient information.

Beginning immediately, the State of Missouri shall renew contacts with the Board of Education of the individual Missouri suburban school districts in the Kansas City Missouri metropolitan area concerning a voluntary interdistrict transfer program. The State will actively seek the cooperation of those districts in establishing such a program. In addition, the State shall seek to identify the present policy of each district in regard to accepting students on a tuition basis from outside their district, the conditions under which the district would consider participation in a voluntary transfer program, the number of students the District will be interested in accepting from KCMSD and the number of students who may transfer to the KCMSD. Furthermore, the state of Missouri shall report on the effort that has been made with each district and the results of those efforts. The reports will be due on or before October 1, 1986, January 9, 1987 and a final report will be due by May 29, 1987. Communication between the State and the districts will be kept in the strictest confidence by all parties to the communication and by all members of the Monitoring Committee.

Since the voluntary interdistrict transfer program could provide a significant opportunity for additional desegregation of KCMSD schools as well as desegregative educational experiences for KCMSD students, the State of Missouri must demonstrate that they are seriously committed to seeking the cooperation of each suburban school district in the Kansas City, Missouri metropolitan area. If the State does not demonstrate its commitment, then this Court will seek other methods of accomplishing this task at the State's expense. While recognizing that pending litigation does impact upon the suburban District's decision, the State should explore with suburban districts the conditions under which they would consider participation in order to reap the educational and financial benefits that are a part of this program.

*Desegregation Monitoring Committee*

The Desegregation Monitoring Committee is an arm of this Court. A request for information from the Committee should be treated by all parties as a request for information from this Court. Upon receipt of a request for information a party will respond in a prompt and thorough manner. If additional time is needed, an immediate request for such should be made to the Committee and the Committee is instructed to grant extensions of time when reasonable. However, if a party determines that it will not respond to a request for information from the Committee, for whatever reason, the party should immediately inform the Court of its intention, specifically stating the reasons.

The Committee has shown itself to be an effective and impartial group committed to achieving the goals outlined in this Court's plan. Cooperation by all parties with the Committee will assist everyone in achieving the goals of the plan and is viewed by this Court as a responsibility which every party has.

In order to continue the functions outlined by this Court in the June 14, 1985 order the budget for the Monitoring Office will be increased from its present level of $142,000 to a total of $187,950.



Funds for the budget will come exclusively from the State of Missouri. This $45,750 increase represents a $4,000 increase in the operating budget, a 2 1/2% increase in salaries and fringe benefits, and a $40,000 increase in research funds. The $40,000 research pool may be utilized by the Committee for the purpose of completing specific research projects. There will be no change in the per diem budget for Monitoring Committee members; the Court is aware that there may be a variation in the amount of time spent by members of the different committees, therefore during the budget year, which begins July 1, 1986, if the Executive Committee deems necessary, it may request from this Court approval of a reallocation of funds in order to insure that sufficient per diem allocations are made for individual committee members.

*REALLOCATION OF YEAR ONE BUDGET*

KCMSD has requested authorization from this Court for reallocation of funds under the full day kindergarten component. Enrollment in the full day kindergarten program was greater than originally anticipated resulting in a number of class sizes in excess of 25 students. KCMSD has 3,308 students enrolled in kindergarten as of January, 1985. In January of 1986 this number had increased to 3,363. Additional kindergarten teachers were needed because of this enrollment increase. As a result, the KCMSD hired 41 additional teachers, rather than the 39 additional teachers included in the June 14, 1985 order. KCMSD will be allowed to reallocate funds in the year one budget and pay for the two additional teachers hired for the full day kindergarten program out of the desegregation plan. In addition any remaining unallocated funds from the year one budget may be used to purchase furnishings and equipment for the added kindergarten rooms. However, the total amount of funds to be spent during the year one budget shall not exceed $1,092,000 with KCMSD and the State of Missouri paying equal shares of the total amount expended.

*SALARY SCHEDULE*

The June 14, 1985 order stated that in hiring personnel the KCMSD would be limited to a maximum cost of $28,000 for professional staff including fringe benefits. The maximum cost for individual teacher aides was to be $9,500 including fringe benefits. KCMSD is required to pay new personnel according to existing salary schedules. The District is now seeking a change in the June 14, 1985 order which would remove the cap on salaries set at $28,000 for professionals and $9,500 for teacher's aides and instead utilize those figures as averages. KCMSD's request will be granted and the District will be limited to an average cost of $28,000 for professionals including fringe benefits and $9,500 for teachers aides including fringe benefits. However, the total amount of funds which were budgeted for the affected components will not be increased. The KCMSD shall continue to charge the least expensive personnel to the desegregation budget when multiple hirings occur.

*CAPITAL IMPROVEMENTS*

A comprehensive capital improvement study has been completed by KCMSD and a report presented to the Monitoring Committee and this Court, detailing specific capital improvement needs by school. The original $37,000,000 budgeted in year one of the desegregation plan has been allocated toward the most critical capital improvement needs of the District. In the June 14, 1985 order this Court took note of the deteriorating conditions of the District facilities including safety and health hazards, educational environment impairments, functional impairments as well as impairments in the appearance of the facilities. This Court also found that improvement of school facilities is an important factor in the overall success of this desegregation plan and ordered the District to complete a study to determine what needed to be done in order to bring its facilities to a point relatively equal with the facilities in neighboring suburban school districts. This Court reserved judgement in the



June 14th order as to whether additional expenditures for capital improvements beyond the initial $37,000,000 would be required to be made by the State of Missouri. At that time the Court also stated that after the capital improvements have been made it would be incumbent upon KCMSD to include in its budget funds for the maintenance of those improved facilities.

This Court will order additional capital improvements to be made. The State of Missouri will pay for these additional improvements. The Court authorizes the expenditure of up to $4,063,154 for capital improvements as outlined in the capital improvement study for schools in the Southwest Cluster. The Court authorizes the expenditure of up to $3,468,004 for the Swinney and Volker Elementary Schools. Finally, the Court authorizes the expenditure of up to $5,346,172 at the Lincoln North Academy. Total capital improvement expenditures to be paid for by the State are $12,877.330. In order to complete these capital improvements without displacing students from those schools the District is authorized to use up a maximum of $480,000 of these funds for the purchase of classroom modules, if absolutely necessary. The District will be required to provide reports on at least a quarterly basis, beginning August 1, 1986, to the Monitoring Committee on progress being made in completing the capital improvements at the designated schools. Specifically these reports should detail the amount of work completed, the amount of funds expended, and the balance of work to be done. In addition, the District shall present on or before January 5, 1987 a plan to the Monitoring Committee detailing how the District will maintain the capital improvements made as a result of the desegregation plan, including last year's work. This report will include budget estimates and how the District plans to raise sufficient funds for the maintenance of the improved facilities. The District shall also report to the Monitoring Committee on or before January 5, 1987 on the need for future capital improvements. Specifically the District shall present a report outlining what capital improvements remain to

be done, the amount of funds required to achieve these improvements and a timetable. The report shall specifically detail what components of the capital improvements plan are considered by the District to be related to eliminating safety and health hazards, what portions are related to correcting conditions existing in the facilities which impede the level of comfort needed for creating a good learning climate, and what portions of the improvements relate to making the facilities visually more attractive.

*MAGNET SCHOOLS*

Magnet schools can be utilized to assist in expanding the desegregative educational experience for KCMSD students. A key to success is the commitment of the Board of Education, the superintendent, the administration, the staff of the schools, and the parents and patrons. That commitment, when coupled with quality planning and sufficient resources can result in the establishment of magnet schools which can attract non-minority enrollment as well as be an integral part of district-wide improved student achievement.

KCMSD has presented to the Court a magnet school proposal for school term 1986/87. This proposal would include the three schools of the Southwest Cluster Investigative Learning Magnet, the Westport Community Applied Learning Magnet and the Lincoln College Preparatory Magnet. The themes, staffing, curriculum and budget are based upon thorough area-wide surveying in compliance with this Court's June 14, 1985 order. The plan incorporates input from parents, patrons and professionals from throughout the District. It has substantial support within the KCMSD and has the potential for demonstrating the central administration's ability to effectively implement and manage substantial educational improvements within the District.

The long term goal of this Court's remedial order is to make available to *all* KCMSD students educational opportunities



equal to or greater than those presently available in the average Kansas City, Missouri metropolitan suburban school district. In achieving this goal the victims of unconstitutional segregation will be restored to the position they would have occupied absent such conduct, while establishing an environment designed to maintain and attract non-minority enrollment. A review of this magnet school plan has been conducted in light of this goal. While the resources requested are substantial, the constitutional violations found to exist were also substantial. While the number of individual students benefited during the first year of the magnet school program will not be large, the individual benefit for each of those students will be very large and the long term benefit to the District is worthy of such an investment. Therefore, this Court is ordering the implementation of the Kansas City, Missouri School District's magnet school plan with specific modifications.

At the Southwest Cluster KCMSD shall institute a fully magnetized school program in school term 1986/87. This program will include an extended year program with a budget of $423,500. The budget for nonsalary items will be $497,820. The personnel budget will be $3,777.116. This is a reduction in the amount of funds requested for personnel. The goals established for student teacher ratios within the magnet school plans will be deleted from the plan. The goals established for reduced class size in the June 14, 1985, order will be substituted in their place. In order to meet the goals established for student teacher ratios in the June 14, 1985 order the Districts will use funds over the next two school terms made available from the reduced class size component of the desegregation plan. However, the reduced class size component of the plan is a district wide component and the goals established shall be reached throughout the District without preference to magnet schools. These reduced class sizes, ones which were presented for adoption by KCMSD are more than sufficient to provide quality educational opportunities, individualized attention, and attract both minority and non-

minority enrollment. Enrollment shall be as outlined in the magnet school plan. Therefore, the total operating budget for the Southwest Cluster Investigative Learning Magnet will be $4,698,436. The District will be required to pay for $2,590,598 and the State will be required to pay $2,107,838.

The Court will order the implementation of the Westport Community Applied Learning Magnet consisting of Swinney and Volker Elementary Schools. Total budget for the Westport Magnet School will be $3,522,031. Non-salary items will be budgeted at a maximum of $357,082 with the extended year program budget being $423,500. Personnel costs shall be limited to $2,741,499 with the same limitations on student teacher ratios as outlined previously in regard to the Southwest Cluster. The goals established for student teacher ratios in the June 14, 1985 order will be used for the magnet schools and funds from the reduced class size component over the next two school terms shall be utilized in order to reach those goals. KCMSD will be required to fund a total of $1,703,259 for Swinney Volker with the State paying $1,818,772.

The Court will order the implementation of the Lincoln College Preparatory Magnet Program in the school term of 1986/87. The total budget for this program will be $4,152,260. The non-salary component of the budget will be $1 ,318,493 and the extended year program will have a budget of $90,000. Personnel costs will be no more than $2,743,767 with the same limitations placed on personnel as outlined for the previous magnet schools. That is, that the goals established in the June 14, 1985 order in regard to reduced class sizes shall be inserted in place of the goals established in the proposed magnet school plan. Funds shall be made available from the reduced class size component over the next two school terms in order to reach those goals. KCMSD will be required to pay $1,723,246 of the total Lincoln Magnet School budget with the State being required to pay a maximum of $2,429,024.



Quality planning, commitment of the superintendent and administrators, and responsible management, are absolutely necessary to insure that the resources approved by this Court for magnet schools are effectively and efficiently used to reach the goals of the remedial plan. Therefore, this Court will authorize a budget of $600,000 for administration of the magnet school program. Specifically, $164,835 will be allowed for central administration with $435,165 being made available for marketing and for planning to avert resegregation. This cost will be evenly borne by the State and the District.

The total amount of funds budgeted for the magnet school program will be $12,972,727 with the District paying $6,317,093 and the State paying $6,665,634.

In implementing the magnet school program in school term 1986/87 the District shall utilize the same desegregation goals for kindergarten that have been established for other grades and schools. The goal established for desegregative enrollment of 50% minority and 50% non-minority shall be measured on the grade and school level and not only on the elementary cluster level. The training provided for the staff of these magnet schools is extremely important and at least 70 hours of the total training package shall be conducted prior to the beginning of the school term with the total training package being approved by the Monitoring Committee prior to its implementation. Therefore, the training program shall be submitted for review and action by the Committee on or before July 25, 1986. Furthermore, the District shall utilize its standard involuntary transfer policy and procedures in regard to the vacated positions at these schools and shall adhere to the work day length agreement reached between the District and the AFT Local 691.

Further development of the magnet school program must be based upon making magnet schools an integral part of an overall effort to improve educational achievement. The magnet plan must be geared toward both remedial and desegregative goals

and should maximize achievement of desegregation with a minimum amount of resources. The magnet program should provide long term stability in terms of future financing as well as incorporate a carefully designed marketing program based upon a clearly defined themes and curriculums. Finally, a quality magnet program should be based upon a careful analysis of the plans' impact upon other components of the desegregation plan. Thus, future development of a magnet school program need not duplicate this initial phase of the magnet school effort. The District should provide to the Monitoring Committee and all parties a copy of their comprehensive magnet school program proposal on or before August 1, 1986. It will be measured against the criteria as outlined in this order.



## FINANCING SUMMARY

Following is an outline of the year two desegregation budget:

| | KCMSD | STATE | TOTAL |
|---|---|---|---|
| All Day Kindergarten | 797,248 | 797,248 | 1,594,496 |
| AAA | 4,053,317 | 4,737,380 | 8,790,697 |
| Before & After School | 52,200 | 52,200 | 104,400 |
| Effective Schools | | 5,275,000 | 5,275,000 |
| Summer School | 598,000 | 598,000 | 1,196,000 |
| Reduced Class Size | | 4,000,000 | 4,000,000 |
| Capital Improvements | | 12,877,330 | 12,877,330 |
| Administration | | 30,000 | 30,000 |
| Monitoring Committee | | 187,950 | 187,950 |
| Magnet Schools | 6,317,093 | 6,655,634 | 12,972,727 |
| Voluntary Interdistrict Transfer | open | open | open |
| Student Reassignment | open | open | open |
| Early Childhood Development | 775,893 | 775,893 | 1,551,786 |
| TOTAL | 12,593,751 | 35,986,635 | 48,580,386 |

Except in the full day kindergarten component, any carryover from year one shall be used to fulfill year two budget requirements within the component.

*CONCLUSION*

All parties, and all persons delegated with the responsibility for implementation of any portion of this plan, should clearly understand that this Court expects the plan to be implemented in a thorough and efficient manner. Whether agreeing or disagreeing with its individual components, the parties must comply with this plan as much as any statute and this Court will require each party and all individuals delegated with responsibilities for implementation to make a diligent effort, to carry out this plan. Failure to make a diligent effort may result in sanctions against a party or individual.

/s/ Russell G. Clark
RUSSELL G. CLARK,
DISTRICT JUDGE
UNITED STATES
DISTRICT COURT

Dated: June 16, 1986



**APPENDIX D**

IN THE UNITED STATED DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

No. 77-0420-CV-W-4

KALIMA JENKINS, et al.,
Plaintiffs,

vs.

STATE OF MISSOURI, et al.,
Defendants.

**ORDER**

[Filed: August 25, 1986]

The Kansas City Missouri School District (KCMSD) has moved this Court for an order enjoining the rollback in the real estate tax levy otherwise required under lProposition C. (R.S. MO §§163.057 and 164.013).

Responses to the motion have been filed on behalf of the plaintiffs and the State of Missouri. Plaintiffs support the motion. The State urges that KCMSD be required to pay its share of desegregation costs; it takes no position as to the method through which KCMSD obtains the funds to meet its burden.

In previous memorandum opinions issued, this Court has set forth detailed findings of fact and reasoned statements of law regarding constitutional violations practiced by the State and the KCMSD as well as comprehensive plans in an effort to place the victims of the violations in substantially the position which they would have occupied had the violations not occurred. The Court will not repeat in this order in any detail previous findings of fact and conclusions of law set forth in previous opinions.

The Court has found that segregated schools, a constitutional violation, has led to white flight from the KCMSD to suburban districts, large number of students leaving the schools of Kansas City and attending private schools and that it has caused a system wide reduction in student achievement in the schools of KCMSD. It has also found that by improving the quality of education in the KCMSD, it will enhance the appeal of the school system, thus giving it a chance to regain its present white enrollment and also encourage whites in private and suburban schools to enroll in its schools. As set forth in its order of June 14, 1985, the basic remedial principle in school desegregation cases, is that "the scope of the remedy is determined by the nature and extent of the constitutional violation." *Milliken* v. *Bradley*, 418 U.S. 717 (1974).

As indicated in its order of June 14, 1985, this Court is aware that there are limitations on the remedial powers of a federal court to correct constitutional violations. While remedies in desegregation cases are drawn from the heart of equity, they should not be broader in scope than necessary to restore the victims of the violations to the position they would have occupied in the absence of such conduct.

Before issuing the remedial order of June 14, 1985 and the amendment thereto entered June 16, 1986, this Court was of the firm conclusion that the plans were not wider in scope than necessary to correct the constitutional violations and to restore the victims thereof to the positions which they would have occupied in the absence of such violation. The United States Supreme Court observed in *Watson* v. *Memphis*, 373 U.S. 526, 537, 83 S.Ct. 1314, 10 L.Ed.2d 529 (1963), "it is obvious that vindication of conceded constitutional rights cannot be made dependent upon any theory that it is less expensive to deny than to afford them."

It was held in *Henry* v. *County Board of Education of Sevier County*, 429 F.2d 364 (8th Cir. 1970) that the remedial power of



the federal courts under the Fourteenth Amendment is not limited by state law. *North Carolina State Board of Education* v. *Swann*, 402 U.S. 43, 91 S.Ct. 1284, 28 L.Ed.2d 586 (1971) held that state policy must give way when it operates to hinder vindication of federal constitutional guarantees.

A federal court's authority to impose or raise taxes has been recognized by the United States Supreme Court in *Griffin* v. *School Board of Prince Edward County*, 377 U.S. 218, 84 S.Ct. 1226, 12 L.Ed.2d 256 (1964) and *Louisiana ex rel. Hubert* v. *Mayor and Council of New Orleans*, 215 U.S. 170, 30 S.Ct. 40, 54 L.Ed. 144 (1909) and by the Eighth Circuit Court of Appeals in *United States* v. *Missouri*, 515 F.2d 1365 (1975) and in *Liddell* v. *State of Missouri*, 731 F.2d. 1294 (1984).

Judge Stephenson stated in *United States* v. *Missouri*:

> It is anomalous to suggest that the district court has the power to disestablish a dual school system and does not have the power to fashion an appropriate remedy.

515.F.2d at 1372.

The court in *Liddell* v. *State of Missouri*, 731 F.2d at 1320 stated:

> We hold that the district court's broad equitable powers to remedy the evils of segregation include a narrowly defined power to order increases in local tax levies on real estate. Limitations on this power require that it be exercised only after exploration of every other fiscal alternative.

The Court then set forth some of the alternatives which should be pursued.

In the Court's order of June 16, 1986, it assessed the KCMSD's portion of the desegregation budget for the fiscal year 1986-87 at $12,593,751.00. The KCMSD contends, and the Court so finds, that revenues available to it for the 1986-87 fiscal year are

insufficient by $6,300,000 to meet its share of the desegregation budget. Unless it can obtain additional funds the only alternative it has is to make major reductions in services of its regular educational program. The Court is of the opinion that this would be in rect conflict with the goals sought to be obtained through the desegregation plan.

KCMSD has made eight attempts in the last seventeen years to obtain voter approval of an increase in the tax levy. The last two attempts were in February and August of 1986 which required only a majority vote for approval. Obviously it would be futile to submit a bond issue which would require a two-thirds majority for approval. KCMSD has made efforts to obtain funding from charitable and civic groups. It has also approached the city council in regard to an additional sales tax without success and was unsuccessful in obtaining any appreciable extra funds from the state legislature. The District has made a diligent effort, though unsuccessful, to obtain funding for its share of the desegregation budget for the present fiscal year. Thus it appears that the only alternative left for the KCMSD is to seek relief from the Court.

The Court has previously held that the State should pay the major cost of a desegregation plan but that the KCMSD, also a violator, should share in that cost.

The Court stated at page 43 of its June 14, 1985 order that it was reluctant to take any action to increase taxes. The Court is not insensitive to the fact that a majority of those patrons of KCMSD who chose to vote in February and August of 1986 were opposed to a tax levy increase. However a majority has no right to deny others the constitutional guarantees to which they are entitled. This Court, having found that vestiges of unconstitutional discrimination still exists in the KCMSD, is not so callous as to accept the proposition that it is helpless to enforce a remedy to correct the past violations. Failure of the KCMSD to come forward with its share of funds to implement the remedial plan



would certainly operate to hinder vindication of federal constitutional guarantees to which the school children in the KCMSD are entitled. This Court cannot shirk its sworn duty to uphold the Constitution of the United States. Therefore, it is hereby

ORDERED that the motion of the KCMSD to enjoin the rollback in the real estate tax levy otherwise required under Proposition C is granted; and it is further

ORDERED that the tax levy rollback required by §164.013, R.S. MO (the Proposition C rollback) shall be enjoined to the extent necessary to raise an additional Six Million Five Hundred Thousand Dollars ($6,500,000.00) to enable the KCMSD to meet its share of the desegregation plan for the current fiscal year.

/s/ Russell G. Clark
RUSSELL G. CLARK,
DISTRICT JUDGE
UNITED STATES
DISTRICT COURT

Dated: August 25, 1986

## APPENDIX E

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

No. 77-0420-CV-W-4

KALIMA JENKINS, et al.,
Plaintiffs,

vs.

STATE OF MISSOURI, et al.,
Defendants.

## ORDER

[Filed: November 12, 1986]

On June 16, 1986, this Court directed the Kansas City, Missouri School District (KCMSD) to submit a proposal for a comprehensive magnet school program by August 1, 1986. The KCMSD filed its proposal on August 13, 1986 along with its motion requesting approval and funding of the plan. The Court conducted hearings on KCMSD's motion during the week of September 15, 1986 and again on October 9 and 10, 1986. After careful consideration of the evidence presented, the Court will grant the motion in part and deny it in part. The Court will order implementation of the magnet plan as submitted and will approve the proposed budget to fund the plan. The Court will approve the capital improvements and new construction requested for magnet schools at the cost estimated by the KCMSD. The Court will find the State of Missouri and the KCMSD jointly and severally liable for approximately $53,000,000 of the estimated $143,000,000 budget approved for implementation of the magnet school plan. The State of Missouri will be solely liable for the remaining costs of the implementation. The Court will find the State of Missouri and KCMSD jointly and severally



liable for costs of the capital improvements and new construction estimated at $53,000,000.

### Magnet School Plan

The Court requested the KCMSD to submit a comprehensive magnet school proposal for consideration as part of the Court's overall plan to eliminate the vestiges of unlawful segregation in the KCMSD and to avoid future constitutional violations. The implementation of magnet schools as a tool to desegregate is within the equitable powers of a Court in fashioning a remedy in a school desegregation case. In its order dated June 14, 1985, the Court reviewed these equitable powers and will not do so here. In response to the Court's request, the KCMSD submitted a long-term magnet school plan that was the product of extensive research, experience and planning of nationally respected experts on magnet schools. The plan proposes that every senior high school, every middle school, and approximately one-half of the elementary schools in the KCMSD will become magnet schools by the school year 1991-92. The plan proposes numerous magnet themes ranging from foreign languages to performing arts to science and math. Each magnet school would, however, retain the basic academic curriculum offered in the district.

The State of Missouri contends that the proposed magnet plan was hastily drafted and that it magnetizes too many schools over too short a time period. The State suggests that magnet schools should be implemented more gradually, based upon the experience of earlier schools. While the Court is mindful of the State's position, it is convinced that the students who are presently enrolled in the KCMSD are entitled to a vindication of past denial of constitutional rights now.

The Court finds that the proposed plan would serve the objectives of its overall desegregation program. First, the carefully chosen magnet themes would provide a greater educa-

tional opportunity to *all* KCMSD students. The plan magnetizes such a large number of schools that every high school and middle school student will attend a magnet school. At the elementary level, there would be a sufficient number of magnets to permit every student desiring to attend a magnet school to do so. The Court is opposed to magnetizing only a limited number of schools in a district even though such plans have been approved by the Eighth Circuit Court of Appeals and the United States Supreme Court. The philosophy of a magnet school is to attract non-minority students into a school which is predominantly minority. It does so by offering a higher quality of education than the schools which are being attended by the non-minority students. In each school there is a limitation as to the number of students who may be enrolled. Thus, for each non-minority student who enrolls in the magnet school a minority student, who has been the victim of past discrimination, is denied admittance. While these plans may achieve a better racial mix in those few schools, the victims of racial segregation are denied the educational opportunity available to only those students enrolled in the few magnet schools. This results in a school system of two-tiers as it relates to the quality of education. This inequity is avoided by the KCMSD magnet school plan.

The Court also finds that the proposed magnet plan would generate voluntary student transfers resulting in greater desegregation in the district schools. The suggested magnet themes include those which rated high in the Court ordered surveys and themes that have been successful in other cities. Therefore, the plan would provide both minority and non-minority district students with many incentives to leave their neighborhoods and enroll in the magnet schools offering the distinctive themes of interest to them. Most importantly, the Court believes that the proposed magnet plan is so attractive that it would draw non-minority students from the private schools who have abandoned or avoided the KCMSD, and draw in additional non-minority students from the suburbs.



The KCMSD proposes a budget of $142,736,025 for implementation of its comprehensive magnet school plan over a six-year period. See Attachment A. The KCMSD admits that the proposed budget consists of studied estimates which would be adjusted as actual costs are ascertained. While the resources requested are substantial, the constitutional violations committed were also substantial. The Court has carefully reviewed the proposed budget and finds that the estimated costs are reasonable. The long-term benefit of all KCMSD students of a greater educational opportunity in an integrated environment is worthy of such an investment.

For the reasons stated, the Court orders the implementation of the proposed magnet school plan as a fundamental component of its overall desegregation remedy and approves the budget at the cost estimated by the KCMSD.

**Capital Facilities Program**

The KCMSD also requests approval and funding of capital improvements to eleven of the district schools that it proposes to become magnets in September 1987, and for the construction of four new school facilities to be used as magnets beginning September 1988. The specific schools and the cost estimates for the work requested are listed in Attachment B. In response to KCMSD's request, the State of Missouri argues that the present condition of the district school facilities is not traceable to unlawful segregation but is due to a lack of maintenance by the KCMSD. The Court finds that even if the State by its constitutional violations and subsequent failure to affirmatively act to remove the vestiges of the dual school system did not directly cause the deterioration of the school facilities, it certainly contributed to, if not precipitated, an atmosphere which prevented the KCMSD from raising the necessary funds to maintain its schools. Furthermore, the capital facilities program requested by the KCMSD is a proper remedy through which to remove the

vestiges of racial segregation, and is needed to attract non-minority students back to the KCMSD.

The KCMSD proposes a budget of $52,858,301 for the capital improvements to the eleven existing schools and the construction of four new facilities. The budget consists of studied estimates which would be adjusted as actual costs are ascertained. After careful consideration of the capital facilities work requested, the Court finds that the estimated costs are reasonable.

For the reasons stated, this Court orders that the requested capital improvements be made to the eleven existing schools and that four new facilities be constructed at the costs estimated by the KCMSD. The Court orders that sites be acquired for Central High School, New Paseo Middle School, and New West Elementary School. The Court approves the rehabilitation of the Jewish Community Center or a comparable facility for use as a performing arts school in 1987-88 until the New Paseo Middle School is constructed.

In its motion filed August 13, 1986, the KCMSD also requested that the State of Missouri be required to fund the construction of the New Northeast and New Southeast Elementary Schools, and site expansions to facilitate magnet themes at Pitcher Elementary, Garfield Elementary, Northeast Middle School, Central Senior High School, and East Senior High School. The Court denies these requests at this time because these magnet programs are not scheduled for implementation before 1989-90.

**Funding**

In its order of September 17, 1984, this Court found that the State of Missouri and the KCMSD had violated the constitutional rights of the plaintiffs. To date, the State of Missouri has borne most of the costs of the Court's overall plan to remove the



vestiges of unconstitutional segregation from the KCMSD. This was based on the Court's earlier determination that the State had the "primary responsibility for insuring that the public education systems in the State comport with the United States Constitution." *Jenkins* v. *State of Missouri*, 593 F. Supp. 1485, 1506 (W.D. Mo. 1984). The KCMSD, which includes its citizens, must be called to help remedy the conditions for which it is partially responsible. Accordingly, the Court orders that the KCMSD and the State of Missouri are jointly and severally liable for the cost of the capital facilities program estimated at $52,858,301. The KCMSD and the State of Missouri are also jointly and severally liable for the cost of site acquisitions for Central High School, New Paseo Middle School, New West Elementary School and the cost of rehabilitation of the Jewish Community Center or a comparable facility for use as a performing arts magnet in 1987-88. These costs were not included in the KCMSD's capital facilities estimate.

It is further ordered that the KCMSD and the State of Missouri are jointly and severally liable for the following costs of the implementation of the magnet school plan approved by the Court:

$8,316,272 in 1986-87
$8,908,406 in 1987-88
$8,908,406 in 1988-89
$8,908,406 in 1989-90
$8,908,406 in 1990-91
$8,908,405 in 1991-92

The result is that the KCMSD and the State of Missouri are jointly and severally liable for $52,858,301 of the $142,736,025 that the KCMSD estimates is required to implement its magnet school plan. The Court further orders that the State of Missouri is solely liable for the balance of the costs of implementation, or $89,877,724.

All judgment amounts are based upon studied estimates provided by the KCMSD and may be adjusted when the actual costs of the capital facilities work and the magnet school plan ordered by the Court are ascertained. The State of Missouri will not be permitted to withhold foundation formula payments or state transportation funds due the KCMSD in order to recover any contribution for money paid by the State on the joint and several judgments.

The Court is aware that the magnet plan will require a more extensive program for the transportation of students than presently exists. The KCMSD has not submitted a budget for the actual cost of transportation required by the plan claiming the costs cannot be predicted with accuracy until the District gains experience in determining from where the students attending the particular magnet schools will come. The Court will defer its assessment as to the extent of the need for transportation and the liability for the cost of same until such time as realistic estimates for the needs and cost are available. The KCMSD is ordered to provide this Court with estimated costs of the transportation required for implementation of the plan in 1987-88 on or before August 15, 1987.

The KCMSD may extinguish its liability for the $52,858,301 portion of the implementation cost of the magnet school plan by passing a $53,000,000 school capital improvement bond issue. If this should occur, the State of Missouri would no longer be liable for the $52,858,301 in capital facilities work ordered by the Court.

The Court also wishes to point out that during the course of this lawsuit the Court has not been informed of one affirmative act voluntarily taken by the Executive Department of the State of Missouri or the Missouri General Assembly to aid a school district that is involved in a desegregation program. By making approximately $105,000,000 of the judgments joint and several,



the General Assembly may be encouraged to explore the possibility of enacting legislation that would permit a district involved in a desegregation plan more versatility than it presently has to raise funds with which to support the program.

For the reasons stated, it is hereby

ORDERED that the KCMSD's motion for approval of its long-range magnet school plan is granted in part and denied in part as set forth in this memorandum.

/s/ Russell G. Clark
RUSSELL G. CLARK,
DISTRICT JUDGE
UNITED STATES
DISTRICT COURT

Dated: November 12, 1986

## ATTACHMENT "A" — MAGNET SUPPORT BUDGETS

MAGNET SUPPORT BUDGET

| | FTE | 1986-87 | FTE | 1987-88 | FTE | 1988-89 | FTE | 1989-90 | FTE | 1990-91 | FTE | 1991-92 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Year 1 | | Year 2 | | Year 3 | | Year 4 | | Year 5 | | Year 6 |
| **MAGNET OFFICE** | | | | | | | | | | | | |
| Associate Superintendent | 1.0 | $66,782 | 1.0 | $70,121 | 1.0 | $73,627 | 1.0 | $77,309 | 1.0 | $81,174 | 1.0 | $85,233 |
| Director | 3.0 | $189,888 | 3.0 | $199,382 | 3.0 | $209,352 | 3.0 | $219,819 | 3.0 | $230,810 | 3.0 | $242,351 |
| Ombudsman | 1.0 | $46,633 | 1.0 | $48,965 | 1.0 | $51,413 | 1.0 | $53,984 | 1.0 | $56,683 | 1.0 | $59,517 |
| Grants Specialist | 1.0 | $46,633 | 1.0 | $48,965 | 1.0 | $51,413 | 1.0 | $53,984 | 1.0 | $56,683 | 1.0 | $59,517 |
| Clerical | 5.0 | $93,000 | 5.0 | $97,650 | 5.0 | $102,533 | 5.0 | $107,659 | 5.0 | $113,042 | 5.0 | $118,694 |
| Equipment | | $135,000 | | $20,000 | | $15,000 | | $10,000 | | $10,000 | | $10,000 |
| Supplies & Material | | $15,000 | | $10,000 | | $10,000 | | $10,000 | | $10,000 | | $10,000 |
| Mileage | | $10,000 | | $10,000 | | $10,000 | | $10,000 | | $10,000 | | $10,000 |
| Travel | | $15,000 | | $15,000 | | $15,000 | | $15,000 | | $15,000 | | $15,000 |
| Contracted Services | | $75,000 | | $30,000 | | $30,000 | | $30,000 | | $30,000 | | $30,000 |
| District Task Forces | | $90,000 | | $120,000 | | $100,000 | | $85,000 | | $75,000 | | $75,000 |
| Telephone | | $10,000 | | $10,000 | | $10,000 | | $10,000 | | $10,000 | | $10,000 |
| Contract Maintenance | | $40,000 | | $40,000 | | $40,000 | | $40,000 | | $40,000 | | $40,000 |
| Postage | | $10,000 | | $10,000 | | $10,000 | | $10,000 | | $10,000 | | $10,000 |
| Printing & Advertsg | | $25,000 | | $25,000 | | $25,000 | | $25,000 | | $25,000 | | $25,000 |
| Subtotal | 11.0 | $867,936 | 11.0 | $755,083 | 11.0 | $753,337 | 11.0 | $757,754 | 11.0 | $773,391 | 11.0 | $800,311 |



MAGNET PERSONNEL SUPPORT

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Director | 1.0 | $63,296 | 1.0 | $66,461 | 1.0 | $69,784 | 1.0 | $73,273 | 1.0 | $76,937 | 1.0 | $80,784 |
| Personnel Spec | 2.0 | $93,266 | 2.0 | $97,929 | 2.0 | $102,826 | 2.0 | $107,967 | 2.0 | $113,365 | 2.0 | $119,034 |
| Clerical | 2.0 | $37,200 | 2.0 | $39,060 | 2.0 | $41,013 | 2.0 | $43,064 | 2.0 | $45,217 | 2.0 | $47,478 |
| Travel & Recruitment | | $40,000 | | $40,000 | | $40,000 | | $40,000 | | $40,000 | | $40,000 |
| Workshops | | $20,000 | | $20,000 | | $30,000 | | $30,000 | | $20,000 | | $20,000 |
| Staff Stipends | | $100,000 | | $100,000 | | $150,000 | | $150,000 | | $100,000 | | $100,000 |
| Contracted Services | | $30,000 | | $30,000 | | $45,000 | | $45,000 | | $30,000 | | $30,000 |
| Postage | | $5,000 | | $5,000 | | $5,000 | | $5,000 | | $5,000 | | $5,000 |
| College Stipends | | $200,000 | | $400,000 | | $400,000 | | $300,000 | | $200,000 | | $200,000 |
| Supplies & Materials | | $15,000 | | $15,000 | | $10,000 | | $10,000 | | $10,000 | | $10,000 |
| Printing & Advertsg | | $75,000 | | $50,000 | | $50,000 | | $50,000 | | $40,000 | | $30,000 |
| Equipment | | $50,000 | | $25,000 | | $10,000 | | $10,000 | | $5,000 | | $5,000 |
| Mileage | | $4,000 | | $4,000 | | $4,000 | | $4,000 | | $4,000 | | $4,000 |
| Subtotal | 5.0 | $732,762 | 5.0 | $892,450 | 5.0 | $957,623 | 5.0 | $868,304 | 5.0 | $689,519 | 5.0 | $691,295 |

## MAGNET TRANSPORTATION SUPPORT

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Transportation Spec | 1.0 | $46,633 | 1.0 | $48,965 | 1.0 | $51,413 | 1.0 | $53,984 | 1.0 | $56,683 | 1.0 | $59,517 |
| Program Analyst | 1.0 | $34,445 | 1.0 | $36,167 | 1.0 | $37,976 | 1.0 | $39,874 | 1.0 | $41,868 | 1.0 | $43,962 |
| Clerical | 1.0 | $18,600 | 1.0 | $19,530 | 1.0 | $20,507 | 1.0 | $21,532 | 1.0 | $22,608 | 1.0 | $23,739 |
| Equipment | | $35,000 | | $10,000 | | $10,000 | | $5,000 | | $5,000 | | $5,000 |
| Supplies & Material | | $10,000 | | $10,000 | | $10,000 | | $10,000 | | $10,000 | | $10,000 |
| Mileage | | $5,000 | | $5,000 | | $5,000 | | $5,000 | | $5,000 | | $5,000 |
| Contracted Services | | $75,000 | | $75,000 | | $75,000 | | $75,000 | | $75,000 | | $75,000 |
| Subtotal | 3.0 | $224,678 | 3.0 | $204,662 | 3.0 | $209,895 | 3.0 | $210,390 | 3.0 | $216,159 | 3.0 | $222,218 |

## MAGNET EVALUATION SUPPORT

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Evaluation Spec | 2.0 | $87,382 | 2.0 | $91,751 | 3.0 | $144,508 | 3.0 | $151,733 | 4.0 | $212,427 | 4.0 | $223,048 |
| Evaluation Aides | 2.0 | $32,888 | 2.0 | $34,532 | 3.0 | $54,389 | 3.0 | $57,108 | 3.0 | $59,963 | 3.0 | $62,962 |
| Clerical | 2.0 | $37,200 | 2.0 | $39,060 | 2.0 | $41,013 | 2.0 | $43,064 | 2.0 | $45,217 | 2.0 | $47,478 |
| Supplies & Materials | | $5,000 | | $10,000 | | $15,000 | | $20,000 | | $25,000 | | $25,000 |
| Mileage | | $1,000 | | $2,000 | | $3,000 | | $4,000 | | $5,000 | | $5,000 |
| Equipment | | $24,000 | | $12,000 | | $2,000 | | $2,000 | | $2,000 | | $2,000 |
| Contracted Services | | $25,000 | | $30,000 | | $36,000 | | $38,000 | | $40,000 | | $40,000 |
| Subtotal | 6.0 | $212,470 | 6.0 | $219,344 | 8.0 | $295,910 | 8.0 | $315,905 | 9.0 | $389,607 | 9.0 | $405,488 |



## MAGNET RECRUITMENT & PUBLIC INFORMATION

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Director | 1.0 | $64,821 | 1.0 | $68,062 | 1.0 | $71,465 | 1.0 | $75,038 | 1.0 | $78,790 | 1.0 | $82,730 |
| Public Rel'ns Spec | 1.0 | $46,633 | 1.0 | $48,965 | 1.0 | $51,413 | 1.0 | $53,984 | 1.0 | $56,683 | 1.0 | $59,517 |
| Placement Advisors | 1.0 | $34,445 | 2.0 | $72,335 | 3.0 | $108,502 | 3.0 | $113,927 | 3.0 | $119,623 | 3.0 | $125,604 |
| Writers | 2.0 | $58,798 | 2.0 | $61,738 | 3.0 | $97,237 | 3.0 | $102,099 | 3.0 | $107,204 | 3.0 | $112,564 |
| Graphic Artist | 1.0 | $29,399 | 1.0 | $30,869 | 1.0 | $32,412 | 1.0 | $34,033 | 1.0 | $35,735 | 1.0 | $37,521 |
| Placement Aides | 1.0 | $9,969 | 4.0 | $41,870 | 6.0 | $65,945 | 6.0 | $69,242 | 6.0 | $72,704 | 6.0 | $76,340 |
| Clerical | 3.0 | $55,800 | 3.0 | $58,590 | 3.0 | $61,520 | 3.0 | $64,595 | 3.0 | $67,825 | 3.0 | $71,217 |
| School Based Recruiters | 5.0 | $172,925 | 9.0 | $326,828 | 10.0 | $381,300 | 12.0 | $480,438 | 12.0 | $504,459 | 12.0 | $529,682 |
| Equipment | | $175,000 | | $75,000 | | $75,000 | | $75,000 | | $50,000 | | $50,000 |
| Supplies & Material | | $50,000 | | $50,000 | | $40,000 | | $40,000 | | $40,000 | | $40,000 |
| Printing & Advertsg | | $75,000 | | $100,000 | | $125,000 | | $125,000 | | $100,000 | | $100,000 |
| Postage | | $75,000 | | $75,000 | | $75,000 | | $75,000 | | $75,000 | | $75,000 |
| Mileage | | $15,000 | | $15,000 | | $15,000 | | $15,000 | | $15,000 | | $15,000 |
| Travel | | $15,000 | | $15,000 | | $15,000 | | $15,000 | | $15,000 | | $15,000 |
| Contracted Services | | $40,000 | | $50,000 | | $60,000 | | $70,000 | | $80,000 | | $80,000 |
| Telephone | | $10,000 | | $10,000 | | $10,000 | | $10,000 | | $10,000 | | $10,000 |
| Subtotal | 15.0 | $927,790 | 23.0 | $1,099,256 | 28.0 | $1,284,793 | 30.0 | $1,418,356 | 30.0 | $1,428,024 | 30.0 | $1,480,175 |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| OTHER CENTRAL SERVICES | | | | | | | | | | | | |
| Budget Specialist | 1.0 | $46.633 | 1.0 | $48,965 | 1.0 | $51,413 | 1.0 | $53,984 | 1.0 | $56,683 | 1.0 | $59,517 |
| Procurement Specialist | 1.0 | $46,633 | 1.0 | $48,965 | 1.0 | $51,413 | 1.0 | $53,984 | 1.0 | $56,683 | 1.0 | $59,517 |
| Budget Clerk | 1.0 | $18,600 | 1.0 | $19,530 | 1.0 | $20,507 | 1.0 | $21,532 | 1.0 | $22,608 | 1.0 | $23,739 |
| Payroll Clerk | 2.0 | $37,200 | 2.0 | $39,060 | 2.0 | $41,013 | 2.0 | $43,064 | 2.0 | $45,217 | 2.0 | $45,217 |
| Supplies & Material | | $3,000 | | $3,000 | | $3,000 | | $3,000 | | $3,000 | | $3,000 |
| Equipment | | $10,000 | | $5,000 | | $5,000 | | $5,000 | | $5,000 | | $5,000 |
| Mileage | | $1,000 | | $1,000 | | $1,000 | | $1,000 | | $1,000 | | $1,000 |
| Postage | | $1,000 | | $1,000 | | $1,000 | | $1,000 | | $1,000 | | $1,000 |
| Subtotal | 5.0 | $164,066 | 5.0 | $166,519 | 5.0 | $174,345 | 5.0 | $182,563 | 5.0 | $191,191 | 5.0 | $197,990 |
| PILOT PROJECT FOR SEVERELY HANDICAPPED | | | | | | | | | | | | |
| Project Coordinator | | | | | 0.25 | $12,000 | 0.25 | $12,600 | 0.25 | $13,230 | 0.25 | $13,892 |
| Spec Ed Curric Coord | | | | | 0.25 | $11,000 | 0.25 | $11,550 | 0.25 | $12,128 | 0.25 | $12,734 |
| Teachers | | | | | 3.00 | $103,806 | 3.00 | $108,996 | 5.00 | $190,745 | 5.00 | $200,280 |
| Sub Teachers | | | | | | $5,000 | | $5,250 | | $6,000 | | $6,300 |
| Supportive Services | | | | | | $10,000 | | $10,500 | | $10,750 | | $11,338 |
| Supplies & Materials | | | | | | $1,000 | | $1,050 | | $1,500 | | $1,575 |
| Field Trips | | | | | | $600 | | $630 | | $900 | | $945 |
| Subtotal | | | | | 3.50 | $143,406 | 3.50 | $150,576 | 5.50 | $235,253 | 5.50 | $247,064 |
| Total | 45.0 | $3,'29,702 | 53.0 | $3,337,314 | 63.5 | $3,819,309 | 65.5 | $3,903,847 | 68.5 | $3,923,144 | 68.5 | $4,044,539 |



HIGH SCHOOL BUDGETS 29-Jul-86

SCHEDULE OF RATES

| | | | |
|---|---|---|---|
| Teachers | $31,385 | Av. Salary Increase | 105% |
| Curriculum Coordinators | $39,494 | Computers | $3,500 |
| Clerical | $18,314 | | |
| Principal | $61,734 | | |
| Transition Staff | $37,020 | | |
| Program Administrator | $45,555 | | |

| ADVANCED VOCATIONAL AND TECHNICAL STUDIES | FTE | 1986-87 | FTE | 1987-88 Planning first year | FTE | 1988-89 Planning second year | FTE | 1989-90 Year 1 Implementation | FTE | 1990-91 Year 2 Implementation | FTE | 1991-92 Year 3 Implementation |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Planning Task Force expenses | | | 0.0 | $60,000 | 0.0 | $60,000 | 0.0 | $0 | 0.0 | $0 | 0.0 | $0 |
| Principal | | | 1.0 | $64,821 | 1.0 | $68,062 | | | | | | |
| Program Administrator | | | 1.0 | $47,833 | 1.0 | $50,224 | 1.0 | $52,736 | 1.0 | $55,372 | 1.0 | $58,141 |
| Curriculum Coordinator | | | 1.0 | $41,469 | 1.0 | $43,542 | 1.0 | $45,719 | 1.0 | $48,005 | 1.0 | $50,405 |
| Voc/Tech Specialist | | | 0.0 | $0 | 1.0 | $51,413 | 1.0 | $53,984 | 1.0 | $56,683 | 1.0 | $59,517 |
| Resource Teacher(s) | | | 0.0 | $0 | 0.0 | $0 | 4.0 | $145,328 | 7.0 | $267,041 | 7.0 | $280,393 |
| Transition Teachers | | | 0.0 | $0 | 0.0 | $0 | 5.0 | $214,276 | 5.0 | $224,990 | 5.0 | $236,240 |
| Clerical | | | 1.0 | $19,230 | 1.0 | $20,191 | 1.0 | $21,201 | 1.0 | $22,261 | 1.0 | $23,374 |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Supplies & Materials | | $10,000 | | $50,000 | | $200,000 | | $200,000 | | $200,000 | | |
| Equipment | | $0 | | $2,500,000 | | $1,500,000 | | $1,000,000 | | $1,000,000 | | |
| Printing & Advertising | | $1,000 | | $40,000 | | $40,000 | | $40,000 | | $40,000 | | |
| Textbooks | | $0 | | $100,000 | | $75,000 | | $50,000 | | $50,000 | | |
| Consultant Services | | $20,000 | | $30,000 | | $30,000 | | $25,000 | | $25,000 | | |
| Curriculum Dev./ Inservice | | $0 | | $75,000 | | $60,000 | | $50,000 | | $50,000 | | |
| Library Books | | $0 | | $75,000 | | $75,000 | | $60,000 | | $40,000 | | |
| Field Trips/ Internships | | $5,000 | | $5,000 | | $40,000 | | $40,000 | | $40,000 | | |
| TOTAL | 4.0 | $269,352 | 5.0 | $3,168,432 | 13.0 | $2,553,244 | 16.0 | $2,139,352 | 16.0 | $2,153,070 | | |



| NORTHEAST LAW & PUBLIC SERVICE | FTE | 1986-87 Planning first year | FTE | 1987-88 Year 1 Implementation | FTE | 1988-89 Year 2 Implementation | FTE | 1989-90 Year 3 Implementation | FTE | 1990-91 Year 4 Implementation | FTE | 1991-92 Year 5 Implementation |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Planning Task Force expenses | 0.0 | $75,000 | 0.0 | $0 | 0.0 | $0 | 0.0 | $00.0 | 0.0 | $0 | 0.0 | $0 |
| Principal | 1.0 | $61,734 | | | | | | | | | | |
| Program Administrator | 1.0 | $45,555 | 1.0 | $47,833 | 1.0 | $50,224 | 1.0 | $52,736 | 1.0 | $55,372 | 1.0 | $58,141 |
| Curriculum Coord. | 1.0 | $39,494 | 1.0 | $41,469 | 1.0 | $43,542 | 1.0 | $45,719 | 1.0 | $48,005 | 1.0 | $50,405 |
| Transition Staff | 0.0 | $0 | 3.0 | $116,613 | 3.0 | $122,444 | 3.0 | $128,566 | 3.0 | $134,994 | 3.0 | $141,744 |
| Resource Teacher(s) | 0.0 | $0 | 10.0 | $329,543 | 10.0 | $346,020 | 10.0 | $363,321 | 10.0 | $381,487 | 10.0 | $400,561 |
| Clerical | 1.0 | $18,314 | 1.0 | $19,230 | 1.0 | $20,191 | 1.0 | $21,201 | 1.0 | $22,261 | 1.0 | $23,374 |
| Supplies & Materials | | $25,000 | | $25,000 | | $25,000 | | $25,000 | | $25,000 | | $25,000 |
| Equipment | | $200,000 | | $75,000 | | $50,000 | | $50,000 | | $30,000 | | $30,000 |
| Printing & Advertising | | $5,000 | | $10,000 | | $10,000 | | $10,000 | | $10,000 | | $10,000 |
| Textbooks | | $75,000 | | $30,000 | | $20,000 | | $20,000 | | $20,000 | | $20,000 |
| Consultant Services | | $5,000 | | $30,000 | | $30,000 | | $30,000 | | $30,000 | | $30,000 |
| Curriculum Dev./ Inservice | | $50,000 | | $50,000 | | $40,000 | | $30,000 | | $30,000 | | $25,000 |
| Library Books | | $75,000 | | $50,000 | | $30,000 | | $30,000 | | $30,000 | | $30,000 |
| Field Trips/ Travel | | $5,000 | | $15,000 | | $15,000 | | $15,000 | | $15,000 | | $15,000 |
| TOTAL | 4 | $680,097 | 16.0 | $839,687 | 16.0 | $802,421 | 16.0 | $821,542 | 16.0 | $832,119 | 16.0 | $859,225 |

| PASEO VISUAL & PERFORMING ARTS | | Planning first year | | Year 1 Implementation | | Year 2 Implementation | | Year 3 Implementation |
|---|---|---|---|---|---|---|---|---|
| Planning Task Force expenses | 0.0 | $75,000 | 0.0 | $0 | 0.0 | $0 | 0.0 | $0 |
| Principal | 1.0 | $68,062 | | | | | | |
| Program Administrator | 1.0 | $50,224 | 1.0 | $52,736 | 1.0 | $55,372 | 1.0 | $58,141 |
| Curriculum Coord. | 1.0 | $43,542 | 1.0 | $45,719 | 1.0 | $48,005 | 1.0 | $50,405 |
| Trainer | 0.0 | | 1.0 | $36,332 | 1.0 | $38,149 | 1.0 | $40,056 |
| Transition Staff | 0.0 | $0 | 2.0 | $85,711 | 3.0 | $134,994 | 5.0 | $236,240 |
| Resource Teacher(s) | 0.0 | $0 | 4.0 | $145,328 | 6.0 | $228,892 | 8.0 | $320,449 |
| Clerical | 1.0 | $20,191 | 1.0 | $21,201 | 1.0 | $22,261 | 1.0 | $23,374 |
| Supplies & Materials | | $50,000 | | $60,000 | | $50,000 | | $50,000 |
| Equipment | | $500,000 | | $300,000 | | $200,000 | | $100,000 |
| Printing & Advertising | | $5,000 | | $25,000 | | $25,000 | | $25,000 |
| Textbooks | | $50,000 | | $40,000 | | $40,000 | | $30,000 |
| Consultant Services | | $10,000 | | $60,000 | | $60,000 | | $70,000 |
| Curriculum Dev. / Inservice | | $30,000 | | $30,000 | | $30,000 | | $30,000 |
| Library Books | | $50,000 | | $50,000 | | $30,000 | | $20,000 |
| Field Trips/ Travel | | $5,000 | | $15,000 | | $15,000 | | $15,000 |
| TOTAL | 4.0 | $957,019 | 10.0 | $967,026 | 13.0 | $977,673 | 17.0 | $1,068,665 |





| WESTPORT BUSINESS | | Planning first year | | Year 1 Implementation | | Year 2 Implementation |
|---|---|---|---|---|---|---|
| Planning Task Force expenses | 0.0 | $75,000 | 0.0 | $0 | 0.0 | $0 |
| Principal | 1.0 | $71,465 | | | | |
| Program Administrator | 1.0 | $52,736 | 1.0 | $55,372 | 1.0 | $58,141 |
| Curriculum Coord. | 1.0 | $45,719 | 1.0 | $48,005 | 1.0 | $50,405 |
| Transition Staff | 0.0 | $0 | 3.0 | $134,994 | 3.0 | $141,747 |
| Resource Teacher(s) | 0.0 | $0 | 5.0 | $190,743 | 5.0 | $200,280 |
| Clerical | 1.0 | $21,201 | 1.0 | $22,261 | 1.0 | $23,374 |
| Supplies & Materials | | $40,000 | | $40,000 | | $40,000 |
| Equipment | | $500,000 | | $200,000 | | $100,000 |
| Printing & Advertising | | $5,000 | | $15,000 | | $15,000 |
| Textbooks | | $50,000 | | $30,000 | | $20,000 |
| Consultant Services | | $15,000 | | $30,000 | | $30,000 |
| Curriculum Dev./ Inservice | | $50,000 | | $40,000 | | $30,000 |
| Library Books | | $40,000 | | $30,000 | | $20,000 |
| Field Trips/Travel | | $5,000 | | $15,000 | | $15,000 |
| TOTAL | 4.0 | $971,120 | 11.0 | $851,376 | 11.0 | $743,948 |

**WESTPORT COMMUNICATIONS**

| | Planning first year | | Year 1 Implementation |
|---|---|---|---|
| Planning Task Force expenses | 0.0 $75,000 | 0.0 | $0 |
| Program Administrator | 1.0 $55,372 | 1.0 | $58,141 |
| Curriculum Coord. | 1.0 $48,005 | 1.0 | $50,405 |
| Transition Staff | 0.0 $0 | 2.0 | $95,496 |
| Resource Teacher(s) | 0.0 $0 | 5.0 | $200,280 |
| Clerical | 1.0 $22,261 | 1.0 | $23,374 |
| Supplies & Materials | $75,000 | | $100,000 |
| Equipment | $500,000 | | $250,000 |
| Printing & Advertising | $5,000 | | $25,000 |
| Textbooks | $40,000 | | $20,000 |
| Consultant Services | $15,000 | | $15,000 |
| Curriculum Dev./ Inservice | $50,000 | | $40,000 |
| Library Books | $50,000 | | $30,000 |
| Field Trips/Travel | $5,000 | | $20,000 |
| TOTAL | 3.0 $940,638 | 10.0 | $926,697 |



**SOUTHEAST INTERNATIONAL STUDIES**

| | Planning first year | | Year 1 Implementation |
|---|---|---|---|
| Planning Task Force expenses | 0.0 $75,000 | 0.0 | $0 |
| Program Administrator | 1.0 $55,372 | 1.0 | $58,141 |
| Curriculum Coord. | 1.0 $48,005 | 1.0 | $50,405 |
| Transition Staff | 0.0 $0 | 2.0 | $94,496 |
| Resource Teacher(s) | 0.0 $0 | 5.0 | $200,280 |
| Clerical | 1.0 $22,261 | 1.0 | $23,374 |
| Supplies & Materials | $40,000 | | $40,000 |
| Equipment | $200,000 | | $100,000 |
| Printing & Advertising | $10,000 | | $15,000 |
| Textbooks | $100,000 | | $100,000 |
| Consultant Services | $20,000 | | $30,000 |
| Curriculum Dev./ Inservice | $50,000 | | $40,000 |
| Library Books | $75,000 | | $75,000 |
| Field Trips/Travel | $5,000 | | $40,000 |
| TOTAL | 3.0 $700,638 | 10.0 | $866,697 |

SCHEDULE OF RATES

| | | | |
|---|---|---|---|
| Teachers | $31,385 | Av. Salary Increase | 105% |
| Curriculum Coordinators | $39,494 | | |
| Clerical | $18,314 | | |
| Principal | $61,734 | | |
| Program Administrator | $45,555 | | |
| Principal | $61,734 | | |



| | FTE 1986-87 | FTE 1987-88 | FTE 1988-89 | FTE 1989-90 | FTE 1990-91 | FTE 1991-92 |
|---|---|---|---|---|---|---|
| NORTHEAST ROTC MAGNET | | | Planning | Implementation | Implementation | Implementation |
| Planning Task Force expenses | | 0.0 | $75,000 | 0.0 $0 | 0.0 $0 | 0.0 $0 |
| Program Administrator | | 1.0 | $50,224 | 1.0 $52,736 | 1.0 $55,373 | 1.0 $58,141 |
| Curriculum Coord. | | 1.0 | $43,542 | 1.0 $45,719 | 1.0 $48,005 | 1.0 $50,405 |
| Military Liaison | | 1.0 | $34,033 | 1.0 $35,735 | 1.0 $37,521 | 1.0 $39,397 |
| Resource Teacher(s) | | 0.0 | $0 | 4.0 $145,328 | 5.0 $190,743 | 5.0 $200,280 |
| Transition Teachers | | 0.0 | $0 | 2.0 $85,712 | 2.0 $89,998 | 2.0 $94,498 |
| Clerical | | 1.0 | $20,191 | 1.0 $21,201 | 1.0 $22,261 | 1.0 $23,374 |
| Supplies & Materials | | | $20,000 | $15,000 | $10,000 | $10,000 |
| Equipment | | | $200,000 | $100,000 | $75,000 | $50,000 |
| Printing & Advertising | | | $5,000 | $10,000 | $10,000 | $10,000 |
| Textbooks | | | $0 | $10,000 | $10,000 | $8,000 |
| Consultant Services | | | $2,500 | $2,500 | $2,500 | $2,500 |
| Curriculum Dev./ Inservice | | | $40,000 | $40,000 | $30,000 | $25,000 |
| Library Books | | | $0 | $15,000 | $12,000 | $10,000 |
| Field Trips | | | $0 | $120,000 | $120,000 | $160,000 |
| TOTAL | | 4.0 | $490,491 | 10.0 $698,930 | 11.0 $713,401 | 11.0 $741,596 |

EAST HIGH SCHOOL -
AGRIBUSINESS MAGNET

| | | | | |
|---|---|---|---|---|
| Planning Task Force expenses | 0.0 | $75,000 | 0.0 | $0 |
| Program Administrator | 1.0 | $55,372 | 1.0 | $58,141 |
| Farm Manager | 1.0 | $37,521 | 1.0 | $39,397 |
| Ass't Manager | 1.0 | $32,412 | 1.0 | $34,033 |
| Curriculum Coord. | 1.0 | $48,005 | 1.0 | $50,405 |
| Resource Teacher(s) | 0.0 | $0 | 5.0 | $200,280 |
| Transition Staff | 0.0 | $0 | 3.0 | $141,747 |
| Clerical | 1.0 | $22,261 | 1.0 | $23,374 |
| Work/Study Coordinator | 1.0 | $48,005 | 1.0 | $50,405 |
| Supplies & Materials | | $40,000 | | $30,000 |
| Equipment | | $500,000 | | $300,000 |
| Livestock & Feed | | $200,000 | | $200,000 |
| Printing & Advertising | | $5,000 | | $10,000 |
| Textbooks | | $0 | | $8,000 |
| Consultant Services | | $5,000 | | $30,000 |
| Curriculum Dev./ Inservice | | $50,000 | | $50,000 |
| Library Books | | $0 | | $20,000 |
| Field Trips | | $5,000 | | $10,000 |
| TOTAL | 6.0 | $1,123,577 | 14.0 | $1,234,204 |



CENTRAL -
COMPUTERS
UNLIMITED

| | Planning | | Year 1 Implementation | | Year 2 Implementation | | Year 3 Implementation | | Year 4 Implementation |
|---|---|---|---|---|---|---|---|---|---|
| Planning Task Force expenses | | $75,000 | 0.0 | $0 | 0.0 | $0 | 0.0 | $0 | 0.0 | $0 |
| Principal | 1.0 | $64,821 | | | | | | | | |
| Program Administrator | 1.0 | $47,833 | 1.0 | $50,224 | 1.0 | $52,736 | 1.0 | $55,372 | 1.0 | $58,141 |
| Curriculum Coord. | 1.0 | $41,469 | 1.0 | $43,542 | 1.0 | $45,719 | 1.0 | $48,005 | 1.0 | $50,405 |
| Resource Teacher(s) | 0.0 | $0 | 5.0 | $173,010 | 5.0 | $181,660 | 5.0 | $190,743 | 5.0 | $200,280 |
| Transition Staff | 0.0 | $0 | 3.0 | $122,445 | 3.0 | $128,568 | 3.0 | $134,997 | 3.0 | $141,747 |
| Clerical | 1.0 | $19,230 | 1.0 | $20,191 | 1.0 | $21,201 | 1.0 | $22,261 | 1.0 | $23,374 |
| Supplies & Materials | | $40,000 | | $40,000 | | $40,000 | | $40,000 | | $40,000 |
| Equipment | | $500,000 | | $250,000 | | $200,000 | | $150,000 | | $100,000 |
| Printing & Advertising | | $5,000 | | $10,000 | | $10,000 | | $10,000 | | $10,000 |
| Textbooks | | $20,000 | | $35,000 | | $20,000 | | $20,000 | | $20,000 |
| Consultant Services | | $15,000 | | $35,000 | | $35,000 | | $35,000 | | $40,000 |
| Curriculum Dev./ Inservice | | $50,000 | | $75,000 | | $60,000 | | $50,000 | | $50,000 |
| Library Books | | $0 | | $30,000 | | $20,000 | | $20,000 | | $10,000 |
| Field Trips | | $5,000 | | $2,500 | | $5,000 | | $5,000 | | $5,000 |
| TOTAL | 4 | $883,352 | 11 | $868,273 | 11 | $800,312 | 11 | $760,828 | 11 | $727,369 |

VAN HORN ENGINEERING

| | Planning | | Year 1 Implementation | | Year 2 Implementation |
|---|---|---|---|---|---|
| Planning Task Force expenses | | | | | |
| Principal | 0.0 $75,000 | 0.0 | $0 | 0.0 | $0 |
| Program Administrator | 1.0 $71,465 | | | | |
| Cirriculum Coord. | 1.0 $52,736 | 1.0 | $55,372 | 1.0 | $58,141 |
| Res. Tchr./ Liaison | 1.0 $45,719 | 1.0 | $48,005 | 1.0 | $50,405 |
| Clerical | 0.0 $0 | 12.0 | $457,783 | 12.0 | $480,672 |
| | 1.0 $21,201 | 1.0 | $22,261 | 1.0 | $23,374 |
| Supplies & Materials | $50,000 | | $50,000 | | $50,000 |
| Equipment | $750,000 | | $500,000 | | $300,000 |
| Printing & Advertising | $10,000 | | $10,000 | | $10,000 |
| Textbooks | $0 | | $35,000 | | $25,000 |
| Consultant Services | $4,000 | | $30,000 | | $50,000 |
| Curriculum Dev./Inservice | $60,000 | | $75,000 | | $75,000 |
| Library Books | $0 | | $20,000 | | $20,000 |
| Field Trips | $5,000 | | $15,000 | | $15,000 |
| TOTAL | 4.0 $1,145,120 | 20.0 | $1,563,416 | 20 | $1,393,837 |



EAST - ENVIRONMENTAL SCIENCE MAGNET

| | Planning | | Year 1 Implementation | | Year 2 Implementation |
|---|---|---|---|---|---|
| Planning Task Force expenses | | | | | |
| Principal | 0.0 $75,000 | 0.0 | $0 | 0.0 | $0 |
| Program Administrator | 1.0 $71,465 | | | | |
| Curriculum Coord. | 1.0 $52,736 | 1.0 | $[illegible],372 | 1.0 | $58,141 |
| Resource Teacher(s) | 1.0 $45,719 | 1.0 | $48,005 | 1.0 | $50,405 |
| Transition Staff | 0.0 $0 | 5.0 | $190,743 | 5.0 | $200,280 |
| Clerical | 0.0 $0 | 2.0 | $89,998 | 2.0 | $94,498 |
| | 1.0 $21,201 | 1.0 | $22,261 | 1.0 | $23,374 |
| Supplies & Materials | $2,500 | | $25,000 | | $25,000 |
| Equipment | $500,000 | | $400,000 | | $200,000 |
| Printing & Advertising | $15,000 | | $15,000 | | $15,000 |
| Textbooks | $40,000 | | $40,000 | | $40,000 |
| Consultant Services | $5,000 | | $30,000 | | $30,000 |
| Curriculum Dev./ Inservice | $50,000 | | $50,000 | | $40,000 |
| Library Books | $30,000 | | $30,000 | | $30,000 |
| Field Trips/ Travel | $5,000 | | $100,000 | | $100,000 |
| TOTAL | 4.0 $913,620 | 10.0 | $1,096,380 | 10.0 | $906,699 |

HIGH SCHOOL MAGNET BUDGETS 29-Jul-86

CENTRAL HIGH SCHOOL - CLASSICAL GREEK MAGNET

| | Planning | | |
|---|---|---|---|
| Planning Task Force expenses | 0.0 | $75,000 | 0.0 | $0 |
| Program Administrator | 1.0 | $55,372 | 1.0 | $58,141 |
| Curriculum Coord. | 1.0 | $48,005 | 1.0 | $50,405 |
| Resource Teacher(s) | 0.0 | $0 | 5.0 | $200,280 |
| Trainer | 0.0 | $0 | 1.0 | $40.056 |
| Transition Staff | 0.0 | $0 | 2.0 | $94.498 |
| Clerical | 1.0 | $22,261 | 1.0 | $23,374 |
| Supplies & Materials | | $50,000 | | $50,000 |
| Equipment | | $200,000 | | $150,000 |
| Printing & Advertising | | $20,000 | | $15,000 |
| Textbooks | | $60,000 | | $40,000 |
| Visiting athlete-scholars | | | | $40,000 |
| Curriculum Dev./ Inservice | | $50,000 | | $50,000 |
| Library Books | | $25,000 | | $25,000 |
| Field Trips/ Travel | | $5,000 | | $50,000 |
| TOTAL | 3.0 | $610,638 | 11.0 | $886,755 |



SOUTHWEST - SCIENCE/MATH MAGNET

| | Planning | | Year 1 Implementation | | Year 2 Implementation | | Year 3 Implementation | | Year 4 Implementation |
|---|---|---|---|---|---|---|---|---|---|
| Planning Task Force expenses | 0.0 | $75,000 | 0.0 | $0 | 0.0 | $0 | 0.0 | $0 | 0.0 | $0 |
| Principal | 1.0 | $64,821 | | | | | | | | |
| Program Administrator | 1.0 | $47,833 | 1.0 | $50,224 | 1.0 | $52,736 | 1.0 | $55,372 | 1.0 | $58,141 |
| Cirriculum Coord. | 1.0 | $41,469 | 1.0 | $43,542 | 1.0 | $45,719 | 1.0 | $48,005 | 1.0 | $50,405 |
| Clerical | 1.0 | $19,230 | 1.0 | $20,191 | 1.0 | $21,201 | 1.0 | $22,261 | 1.0 | $23,374 |
| Resource Teachers | 0.0 | $0 | 5.0 | $173,010 | 5.0 | $181,660 | 5.0 | $190,743 | 5.0 | $200,280 |
| Transition Staff | | $0 | 2.0 | $81,630 | 3.0 | $128,568 | 3.0 | $134,997 | 5.0 | $236,245 |
| Supplies & Materials | | $40,000 | | $40,000 | | $40,000 | | $40,000 | | $40,000 |
| Equipment | | $750,000 | | $600,000 | | $500,000 | | $300,000 | | $250,000 |
| Printing & Advertising | | $10,000 | | $15,000 | | $15,000 | | $10,000 | | $10,000 |
| Textbooks | | $50,000 | | $40,000 | | $40,000 | | $40,000 | | $40,000 |
| Consultant Services | | $5,000 | | $30,000 | | $30,000 | | $30,000 | | $30,000 |
| Curriculum Dev./ Inservice | | $50,000 | | $50,000 | | $50,000 | | $40,000 | | $30,000 |
| Library Books | | $40,000 | | $35,000 | | $30,000 | | $25,000 | | $25,000 |
| Field Trips/ Travel | | $5,000 | | $15,000 | | $15,000 | | $15,000 | | $15,000 |
| Library Books | | $35,000 | | $35,000 | | $30,000 | | $20,000 | | $20,000 |
| TOTAL | 4.0 | $1,198,352 | 10.0 | $1,193,598 | 11.0 | $1,149,884 | 11.0 | $951,379 | 13 | $1,008,446 |

HIGH SCHOOL BUDGETS 29-Jul-86

| | FTE | 1986-87 | FTE | 1987-88 | FTE | 1988-89 | FTE | 1989-90 | FTE | 1990-91 | FTE | 1991-92 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SOUTHEAST - HEALTH PROFESSIONS | | | | | | | | Planning | | Year 1 Implementation | | Year 2 Implementation |
| Planning Task Force expenses | | | | | | | 0.0 | $75,000 | 0.0 | $0 | 0.0 | $0 |
| Principal | | | | | | | 1.0 | $71,465 | | | | |
| Program Administrator | | | | | | | 1.0 | $52,736 | 1.0 | $55,373 | 1.0 | $58,141 |
| Curriculum Coord. | | | | | | | 1.0 | $45,719 | 1.0 | $48,005 | 1.0 | $50,405 |
| Health Res. Tchrs. | | | | | | | 0.0 | $0 | 5.0 | $190,745 | 5.0 | $200,282 |
| Transition Staff | | | | | | | 0.0 | $0 | 3.0 | $134,997 | 3.0 | $141,747 |
| Clerical | | | | | | | 1.0 | $21,201 | 1.0 | $22,261 | 1.0 | $23,374 |
| Supplies & Materials | | | | | | | | $75,000 | | $90,000 | | $90,000 |
| Equipment | | | | | | | | $500,000 | | $250,000 | | $150,000 |
| Printing & Advertising | | | | | | | | $15,000 | | $25,000 | | $25,000 |
| Textbooks | | | | | | | | $75,000 | | $50,000 | | $40,000 |
| Consultant Services | | | | | | | | $20,000 | | $20,000 | | $20,000 |
| Curriculum Dev./ Inservice | | | | | | | | $50,000 | | $40,000 | | $40,000 |
| Library Books | | | | | | | | $75,000 | | $75,000 | | $50,000 |
| Field Trips/ Travel | | | | | | | | $5,000 | | $15,000 | | $15,000 |
| TOTAL | | | | | | | 4.0 | $1,081,121 | 11 | $1,016,381 | 11 | $903,950 |



SCHEDULE OF RATES

MIDDLE SCHOOL BUDGETS 29-Jul-86

| | | | |
|---|---|---|---|
| Teachers | $31,385 | Average Salary Increase | 105.0% |
| Curriculum Coord. | $39,494 | Ext. Day % Salaries | 20% |
| Program Administrators | $45,555 | Computers (W/Software | $3,500 |
| Clerical | $18,314 | | |
| Transition Staff | $37,020 | | |
| Principal | $61,734 | | |

| | FTE | 1986-87 | FTE | 1987-88 | FTE | 1988-89 | FTE | 1989-90 | FTE | 1990-91 | FTE | 1991-92 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| MIDDLE SCHOOL PROGRAMS | | | | | | | | | | | | |
| PLANNING | | | | | | | | | | | | |
| Site Task Forces @ $40,000 | 5 | $200,000 | 1 | $40,000 | 2 | $80,000 | 2 | $80,000 | 0 | $0 | 0 | $0 |
| Clerical | 6 | $109,884 | 2 | $38,459 | 3 | $60,574 | 3 | $63,602 | 1 | $22,261 | 1 | $23,374 |
| Supplies & Materials | | $5,000 | | $5,000 | | $5,000 | | $5,000 | | $5,000 | | $5,000 |
| Printing & Advertising @ $15,000 | 5 | $75,000 | 1 | $15,000 | 2 | $30,000 | 2 | $30,000 | 0 | $0 | 0 | $0 |
| Inservice @ $30,000 | 5 | $150,000 | 1 | $30,000 | 2 | $60,000 | 2 | $60,000 | 0 | $0 | 0 | $0 |
| SUB TOTAL | 6 | $539,884 | 2 | $128,459 | 3 | $235,574 | 3 | $238,602 | 1 | $27,261 | 1 | $28,374 |

BINGHAM SCIENCE

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Principal | 1 | $61,734 | | | | | | | | | | |
| Resource Tchrs. | | | 8 | $263,634 | 8 | $276,816 | 8 | $290,656 | 8 | $305,189 | 8 | $320,449 |
| Transition Staff | | | 4 | $155,484 | 4 | $163,260 | 4 | $171,424 | 4 | $179,996 | 4 | $188,996 |
| Curriculum coord. | 1 | $39,494 | 1 | $41,469 | 1 | $43,542 | 1 | $45,719 | 1 | $48,005 | 1 | $50,405 |
| Trav/Field Trips | | $5,000 | | $5,000 | | $5,000 | | $5,000 | | $5,000 | | $5,000 |
| Textbooks | | $40,000 | | $20,000 | | $15,000 | | $10,000 | | $10,000 | | $10,000 |
| Computers | 100 | $350,000 | 75 | $262,500 | 60 | $210,000 | 40 | $140,000 | 25 | $87,500 | 25 | $87,500 |
| Inservice/ Staff Dev. | | | | $30,000 | | $30,000 | | $30,000 | | $30,000 | | $30,000 |
| Materials & Supplies | | $40,000 | | $0,000 | | $40,000 | | $40,000 | | $40,000 | | $40,000 |
| Equipment | | $100,000 | | $100,000 | | $80,000 | | $60,000 | | $40,000 | | $40,000 |
| Printing & Advertising | | | | $7,5000 | | $7,5000 | | $7,500 | | $7,500 | | $7,500 |
| SUB TOTAL | 2 | $636,338 | 13 | $925,587 | 13 | $871,118 | 13 | $800,300 | 13 | $753,191 | 13 | $779,850 |



LINCOLN SOUTH SCIENCE

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Principal | 1 | $61,734 | | | | | | | | | | |
| Resource Tchrs. | | | 8 | $263,634 | 8 | $276,816 | 8 | $290,656 | 8 | $306,189 | 8 | $320,449 |
| Transition Staff | | | 4 | $155,484 | 4 | $163,260 | 4 | $171,424 | 4 | $179,996 | 4 | $188,996 |
| Curriculum Coord. | 1 | $39,494 | 1 | $41,469 | 1 | $43,542 | 1 | $45,719 | 1 | $48,005 | 1 | $50,405 |
| Trav/Field Trips | | $5,000 | | $5,000 | | $5,000 | | $5,000 | | $5,000 | | $5,000 |
| Textbooks | | $40,000 | | $20,000 | | $15,000 | | $10,000 | | $10,000 | | $10,000 |
| Computers | 100 | $350,000 | 75 | $262,500 | 60 | $210,000 | 40 | $140,000 | 25 | $87,500 | 25 | $87,500 |
| Inservice/ Staff Dev. | | | | $30,000 | | $30,000 | | $30,000 | | $30,000 | | $30,000 |
| Materials & Supplies | | $40,000 | | $40,000 | | $40,000 | | $40,000 | | $40,000 | | $40,000 |
| Equipment | | $100,000 | | $100,000 | | $80,000 | | $60,000 | | $40,000 | | $40,000 |
| Printing & Advertising | | | | $7,500 | | $7,500 | | $7,500 | | $7,500 | | $7,500 |
| SUB TOTAL | 2 | $636,228 | 13 | $925,587 | 13 | $871,118 | 13 | $800,300 | 13 | $753,191 | 13 | $779,850 |

CENTRAL COMPUTERS

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Principal | 1 | $61,734 | | | | | | | | | |
| Program Administrator | 1 | $45,555 | 1 | $47,833 | 1 | $50,224 | 1 | $52,736 | 1 | $55,372 | 1 | $58,141 |
| Resource Tchrs. | | | 4 | $131,817 | 4 | $138,408 | 4 | $145,328 | 4 | $152,595 | 4 | $160,224 |
| Transition Staff | | | 2 | $77,742 | 2 | $81,630 | 2 | $85,712 | 2 | $89,998 | 2 | $94,498 |
| Curriculum Coord. | 1 | $39,494 | 1 | $41,469 | 1 | $43,542 | 1 | $45,719 | 1 | $48,005 | 1 | $50,405 |
| Trav/Field Trips | | $5,000 | | $5,000 | | $5,000 | | $5,000 | | $5,000 | | $5,000 |
| Textbooks | | $40,000 | | $20,000 | | $15,000 | | $10,000 | | $10,000 | | $10,000 |
| Computers | 150 | $525,000 | 100 | $350,000 | 75 | $262,500 | 50 | $175,000 | 50 | $175,000 | 50 | $175,000 |
| Inservice/ Staff Dev. | | | | $30,000 | | $30,000 | | $30,000 | | $30,000 | | $30,000 |
| Materials & Supplies | | $40,000 | | $40,000 | | $40,000 | | $40,000 | | $40,000 | | $40,000 |
| Equipment | | $100,000 | | $100,000 | | $80,000 | | $60,000 | | $40,000 | | $40,000 |
| Printing & Advertising | | | | $7,5000 | | $7,5000 | | $7,500 | | $7,500 | | $7,500 |
| SUB TOTAL | 3 | $856,783 | 8 | $803,528 | 8 | $703,580 | 8 | $604,259 | 8 | $598,098 | 8 | $612,628 |



NEW PASEO MIDDLE PERFORMING ARTS

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Principal | 1 | $61,734 | | | | | | | | | |
| Resource Tchrs. | | | 8 | $263,634 | 8 | $276,816 | 8 | $290,656 | 8 | $305,189 | 8 | $320,449 |
| Trainer | | | 1 | $32,954 | 1 | $34,602 | 1 | $36,332 | 1 | $38,149 | 1 | $40,056 |
| Transition Staff | | | 4 | $155,484 | 4 | $163,260 | 4 | $171,424 | 4 | $179,996 | 4 | $188,996 |
| Curriculum Coord. | 1 | $39,494 | 1 | $41,469 | 1 | $43,542 | 1 | $45,719 | 1 | $48,005 | 1 | $50,405 |
| Travel/Field Trips | | $5,000 | | $5,000 | | $5,000 | | $5,000 | | $5,000 | | $5,000 |
| Inservice/ Staff Dev. | | | | $30,000 | | $30,000 | | $30,000 | | $30,000 | | $30,000 |
| Textbooks | | $40,000 | | $10,000 | | $10,000 | | $10,000 | | $10,000 | | |
| Materials & Supplies | | $40,000 | | $40,000 | | $40,000 | | $40,000 | | $40,000 | | $35,000 |
| Equipment | | $150,000 | | $75,000 | | $75,000 | | $60,000 | | $50,000 | | $40,000 |
| Printing & Advertising | | | | $7,500 | | $7,500 | | $7,500 | | $7,500 | | $7,500 |
| SUB TOTAL | 2 | $336,228 | 13 | $661,041 | 13 | $685,720 | 13 | $696,632 | 13 | $713,839 | 13 | $727,406 |

| SOUTHEAST SCIENCE MATH | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Principal | 1 | $61,734 | | | | | | | | | | |
| Resource Tchrs. | | | 8 | $263,634 | 8 | $276,816 | 8 | $290,656 | 8 | $305,189 | 8 | $320,449 |
| Transition Staff | | | 4 | $155,484 | 4 | $163,260 | 4 | $171,424 | 4 | $179,996 | 4 | $188,996 |
| Curriculum Coord. | 1 | $39,494 | 1 | $41,469 | 1 | $43,542 | 1 | $45,719 | 1 | $48,005 | 1 | $50,405 |
| Trav/Field Trips | | $5,000 | | $5,000 | | $5,000 | | $5,000 | | $5,000 | | $5,000 |
| Textbooks | | $40,000 | | $20,000 | | $20,000 | | $15,000 | | $10,000 | | $10,000 |
| Computers | 100 | $350,000 | 75 | $262,500 | 75 | $262,500 | 60 | $210,000 | 40 | $140,000 | 25 | $87,500 |
| Inservice/ Staff Dev. | | | | $30,000 | | $30,000 | | $30,000 | | $30,000 | | $30,000 |
| Materials & Supplies | | $40,000 | | $40,000 | | $40,000 | | $40,000 | | $40,000 | | $40,000 |
| Equipment | | $100,000 | | $100,000 | | $100,000 | | $80,000 | | $60,000 | | $40,000 |
| Printing & Advertising | | | | $7,500 | | $7,500 | | $7,500 | | $7,500 | | $7,500 |
| SUB TOTAL | 2 | $636,228 | 13 | $925,587 | 13 | $948,618 | 13 | $895,300 | 13 | $825,691 | 13 | $779,850 |



| CENTRAL LANGUAGE | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Program Administrator | 1 | $47,833 | 1 | $50,224 | 1 | $52,736 | 1 | $55,372 | 1 | $58,141 |
| Resource Tchrs. | | | 4 | $138,408 | 4 | $145,328 | 4 | $152,595 | 4 | $160,224 |
| Transition Staff | | | 2 | $81,630 | 2 | $85,712 | 2 | $89,998 | 2 | $94,498 |
| Curriculum Coord. | | | 1 | $43,542 | 1 | $45,719 | 1 | $48,005 | 1 | $50,405 |
| Travel/Field Trips | | $5,000 | | $5,000 | | $5,000 | | $5,000 | | $5,000 |
| Textbooks | | | | $10,000 | | $10,000 | | $10,000 | | $10,000 |
| Inservice/Staff Dev. | | | | $30,000 | | $30,000 | | $30,000 | | $30,000 |
| Materials and Supplies | | $40,000 | | $25,000 | | $25,000 | | $25,000 | | $25,000 |
| Equipment | | $150,000 | | $100,000 | | $50,000 | | $40,000 | | $25,000 |
| Printing & Advertising | | | | $7,500 | | $7,500 | | $7,500 | | $7,500 |
| SUB TOTAL | 1 | $242,833 | 8 | $491,304 | 8 | $456,995 | 8 | $463,470 | 8 | $465,769 |

| KING LATIN MIDDLE | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Principal | 1 | $68,062 | 0 | $0 | 0 | $0 | 0 | $0 |
| Resource Tchrs. | | | 8 | $290,656 | 8 | $305,189 | 8 | $320,449 |
| Transition Staff | | | 4 | $171,424 | 4 | $179,996 | 4 | $188,996 |
| Curriculum Coord. | 1 | $43,542 | 1 | $45,719 | 1 | $48,005 | 1 | $50,405 |
| Travel/Field Trips | | $5,000 | | $5,000 | | $5,000 | | $5,000 |
| Textbooks | | $40,000 | | $30,000 | | $30,000 | | $20,000 |
| Inservice/Staff Dev. | | $30,000 | | $30,000 | | $25,000 | | $25,000 |
| Uniforms | | $70,000 | | $60,000 | | $50,000 | | $50,000 |
| Materials & Supplies | | $40,000 | | $25,000 | | $25,000 | | $25,000 |
| Equipment | | $75,000 | | $50,000 | | $40,000 | | $30,000 |
| Computers | 50 | $175,000 | 50 | $175,000 | 30 | $105,00 | 15 | $52,500 |
| Printing & Advertising | | | | $7,500 | | $7,500 | | $7,500 |
| SUB TOTAL | 2 | $546,604 | 13 | $890,300 | 13 | $820,691 | 13 | $774,850 |



| NOWLIN ENVIRONMENTAL SCIENCE | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Principal | 1 | $68,062 | | | | | | |
| Resource Tchrs. | | | 8 | $290,656 | 8 | $305,189 | 8 | $320,449 |
| Transition Staff | | | 4 | $171,424 | 4 | $179,996 | 4 | $188,996 |
| Curriculum Coord. | 1 | $43,542 | 1 | $45,719 | 1 | $48,005 | 1 | $50,405 |
| Travel/Field Trips | | $100,000 | | $100,000 | | $100,000 | | $100,000 |
| Inservice/Staff Dev. | | | | | | $30,000 | | $25,000 |
| Computers | 30 | $105,000 | 30 | $105,000 | 25 | $87,500 | 15 | $52,500 |
| Materials & Supplies | | $2,000 | | $40,000 | | $30,000 | | $25,000 |
| Equipment | | $100,000 | | $80,000 | | $60,000 | | $40,000 |
| Printing & Advertising | | | | $7,500 | | $7,500 | | $7,500 |
| SUB TOTAL | 2 | $468,604 | 13 | $885,300 | 13 | $858,191 | 13 | $819,850 |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **WESTPORT COMMUNICATIONS** | | | | | | | | | | | | |
| Principal | | | | | | | 1 | $71,465 | 0 | $0 | 0 | $0 |
| Resource Tchrs. | | | | | | | | | 8 | $305,189 | 8 | $320,449 |
| Transition Staff | | | | | | | | | 4 | $179,996 | 4 | $188,996 |
| Curriculum Coord. | | | | | | | 1 | $45,719 | 1 | $48,005 | 1 | $50,405 |
| Travel/Field Trips | | | | | | | | $5,000 | | $5,000 | | $5,000 |
| Inservice/Staff Dev. | | | | | | | | | | $30,000 | | $30,000 |
| Textbooks | | | | | | | | $60,000 | | $40,000 | | $25,000 |
| Materials & Supplies | | | | | | | | $40,000 | | $25,000 | | $25,000 |
| Equipment | | | | | | | | $200,000 | | $200,000 | | $100,000 |
| Computers | | | | | | | 30 | $105,000 | 30 | $105,000 | 25 | $87,500 |
| Printing & Advertising | | | | | | | | | | $7,500 | | $7,500 |
| SUB TOTAL | | | | | | | 2 | $527,184 | 13 | $945,691 | 13 | $839,850 |



| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **NORTHEAST CLASSICAL GREEK** | | | | | | | | | | | | |
| Principal | | | | | | | 1 | $71,465 | 0 | $0 | 0 | $0 |
| Resource Tchrs. | | | | | | | | | 8 | $305,189 | 8 | $320,449 |
| Trainer | | | | | | | | | 1 | $38,149 | 1 | $40,056 |
| Transition Staff | | | | | | | | | 4 | $179,996 | 4 | $188,996 |
| Curriculum Coord. | | | | | | | 1 | $45,719 | 1 | $48,005 | 1 | $50,405 |
| Travel/Field Trips | | | | | | | | $5,000 | | $5,000 | | $5,000 |
| Textbooks | | | | | | | | $40,000 | | $30,000 | | $20,000 |
| Inservice/Staff Dev. | | | | | | | | $30,000 | | $30,000 | | $25,000 |
| Materials & Supplies | | | | | | | | $40,000 | | $25,000 | | $25,000 |
| Equipment | | | | | | | | $250,000 | | $150,000 | | $100,000 |
| Computers | | | | | | | 30 | $105,000 | 30 | $105,000 | 25 | $87,500 |
| Printing & Advertising | | | | | | | | | | $7,500 | | $7,500 |
| SUB TOTAL | | | | | | | 2 | $587,184 | 14 | $923,839 | 14 | $869,906 |
| TOTAL MIDDLE SCHOOL | 17 | $3,641,579 | 63 | $4,612,621 | 75 | $5,822,239 | 101 | $7,382,356 | 122 | $7,683,150 | 122 | $7,478,185 |

ELEMENTARY BUDGETS 29-Jul-86

SCHEDULE OF RATES

| | |
|---|---|
| Teachers | $31,385 |
| Curriculum Coord. | $39,494 |
| Program Administrator | $45,555 |
| Clerical | $18,314 |
| Specialist | $46,633 |

Av'ge Sal Increase 105.0%
Extnded Day % Sal $100,000

PROGRAM

| | FTE | 1986-87 | FT | 1987-88 | FTE | 1988-89 | FTE | 1989-90 | FTE | 1990-91 | FTE | 1991-92 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| FOREIGN LANGUAGE ELEMENTARY | | | | | | | | | | | | |
| Planning | | | | | | | | | | | | |
| Task Forces @ $20,000 | 6 | $120,000 | 2 | $40,000 | | $0 | | $0 | | $0 | | $0 |
| Subject Specialist | 1 | $46,633 | 1 | $48,965 | 1 | $51,413 | 1 | $53,984 | 1 | $56,683 | 1 | $59,517 |
| Clerical | 1 | $18,314 | 1 | $19,230 | 1 | $20,191 | 1 | $21,201 | 1 | $22,261 | 1 | $23,374 |
| Supplies & Materials | | $65,000 | | $25,000 | | $5,000 | | $5,000 | | $5,000 | | $5,000 |
| Equipment $25,000 | 6 | $150,000 | 2 | $50,000 | 0 | $0 | 0 | $0 | 0 | $0 | 0 | $0 |
| Inservice $25,000 | 6 | $150,000 | 8 | $200,000 | 8 | $200,000 | 8 | $200,000 | 8 | $200,000 | 8 | $200,000 |
| Printing & Advertising $15,000 | 8 | $120,000 | | $0 | | $0 | | $0 | | $0 | | $0 |
| TOTAL | | $669,947 | | $383,194 | | $276,604 | 2 | $280,184 | 2 | $283,943 | 2 | $287,891 |



| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| LONGAN | | | | | | | | | | | | |
| Foreign Lang Tchrs | 2 | $65,906 | 2 | $69,204 | 2 | $72,664 | 2 | $76,297 | 2 | $80,112 | | |
| Materials & Supplies | | $4,000 | | $4,000 | | $4,000 | | $4,000 | | $4,000 | | |
| Equipment | | $12,000 | | $12,000 | | $12,000 | | $12,000 | | $12,000 | | |
| Extended Day | | $100,000 | | $100,000 | | $100,000 | | $100,000 | | $100,000 | | |
| Printing & Advertising | | $2,500 | | $2,5000 | | $2,500 | | $2,500 | | $2,500 | | |
| SUB TOTAL | | $184,409 | | $187,704 | | $191,164 | | $194,797 | | $198,612 | | |
| MOORE | | | | | | | | | | | | |
| Foreign Lang Tchrs | 2 | $65,909 | 2 | $69,204 | 2 | $72,664 | 2 | $76,297 | 2 | $80,112 | | |
| Materials & Supplies | | $4,000 | | $4,000 | | $4,000 | | $4,000 | | $4,000 | | |
| Equipment | | $12,000 | | $12,000 | | $12,000 | | $12,000 | | $12,000 | | |
| Extended Day | | $100,000 | | $100,000 | | $100,000 | | $100,000 | | $100,000 | | |
| Printing & Advertising | | $2,500 | | $2,500 | | $2,500 | | $2,500 | | $2,500 | | |
| SUB TOTAL | | $184,409 | | $187,704 | | $191,164 | | $194,797 | | $198,612 | | |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| **WASHINGTON** | | | | | | | | | |
| **Foreign Lang Tchrs** | 2 | $65,909 | 2 | $69,204 | 2 | $72,664 | 2 | $76,297 | 2 | $80,112 |
| **Materials & Supplies** | | $4,000 | | $4,000 | | $4,000 | | $4,000 | | $4,000 |
| **Equipment** | | $12,000 | | $12,000 | | $12,000 | | $12,000 | | $12,000 |
| **Extended Day** | | $100,000 | | $100,000 | | $100,000 | | $100,000 | | $100,000 |
| **Printing & Advertising** | | $2,500 | | $2,500 | | $2,500 | | $2,500 | | $2,500 |
| **SUB TOTAL** | | $184,409 | | $187,704 | | $191,164 | | $194,797 | | $198,612 |
| **SWITZER/NEW WEST CAMPUS** | | | | | | | | | |
| **Foreign Lang Tchrs** | | | 2 | $69,204 | 2 | $72,664 | 2 | $76,297 | 2 | $80,112 |
| **Materials & Supplies** | | | | $4,000 | | $4,000 | | $4,000 | | $4,000 |
| **Equipment** | | | | $12,000 | | $12,000 | | $12,000 | | $12,000 |
| **Extended Day** | | | | $100,000 | | $100,000 | | $100,000 | | $100,000 |
| **Printing & Advertising** | | | | $2,500 | | $2,500 | | $2,500 | | $2,500 |
| **SUB TOTAL** | | | | $187,704 | | $191,164 | | $194,797 | | $198,612 |



| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| **FAIRMOUNT** | | | | | | | | | |
| **Foreign Lang Tchrs** | 2 | $65,909 | 2 | $69,204 | 2 | $72,664 | 2 | $76,297 | 2 | $80,112 |
| **Materials & Supplies** | | $4,000 | | $4,000 | | $4,000 | | $4,000 | | $4,000 |
| **Equipment** | | $12,000 | | $12,000 | | $12,000 | | $12,000 | | $12,000 |
| **Extended Day** | | $100,000 | | $100,000 | | $100,000 | | $100,000 | | $100,000 |
| **Printing & Advertising** | | $2,500 | | $2,500 | | $2,500 | | $2,500 | | $2,500 |
| **SUB TOTAL** | | $184,409 | | $187,704 | | $191,164 | | $194,797 | | $198,612 |
| **SUGAR CREEK** | | | | | | | | | |
| **Foreign Lang Tchrs** | 2 | $65,909 | 2 | $69,204 | 2 | $72,664 | 2 | $76,297 | 2 | $80,112 |
| **Materials & Supplies** | | $4,000 | | $4,000 | | $4,000 | | $4,000 | | $4,000 |
| **Equipment** | | $12,000 | | $12,000 | | $12,000 | | $12,000 | | $12,000 |
| **Extended Day** | | $100,000 | | $100,000 | | $100,000 | | $100,000 | | $100,000 |
| **Printing & Advertising** | | $2,500 | | $2,500 | | $2,500 | | $2,500 | | $2,500 |
| **SUB TOTAL** | | $184,409 | | $187,704 | | $191,164 | | $194,797 | | $198,612 |

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| **FRANKLIN** | | | | | | | | | | |
| Foreign Lang Tchrs | | 3 | $98,863 | 3 | $103,806 | 3 | $108,996 | 3 | $114,446 | 3 | $120,168 |
| Materials & Supplies | | | $4,000 | | $4,000 | | $4,000 | | $4,000 | | $4,000 |
| Equipment | | | $25,000 | | $25,000 | | $25,000 | | $25,000 | | $25,000 |
| Extended Day | | | $100,000 | | $100,000 | | $100,000 | | $100,000 | | $100,000 |
| Printing & Advertising | | | $3,750 | | $3,750 | | $3,750 | | $3,750 | | $3,750 |
| SUB TOTAL | | | $231,613 | | $163,556 | | $241,746 | | $147,196 | | $252,918 |
| **MELCHER** | | | | | | | | | | |
| Foreign Lang Tchrs | | | | 4 | $138,408 | 4 | $145,328 | 4 | $152,595 | 4 | $160,224 |
| Materials & Supplies | | | | | $4,000 | | $4,000 | | $4,000 | | $4,000 |
| Equipment | | | | | $30,000 | | $30,000 | | $30,000 | | $30,000 |
| Extended Day | | | | | $100,000 | | $100,000 | | $100,000 | | $100,000 |
| Printing & Advertising | | | | | $5,000 | | $5,000 | | $5,000 | | $5,000 |
| SUB TOTAL | | | | | $277,408 | | $284,328 | | $192,595 | | $299,224 |
| **TOTAL FOREIGN LANGUAGE** | $669,947 | | $1,536,852 | | $1,916,792 | | $1,953,242 | | $1,991,516 | | $2,031,705 |



**SCHEDULE OF RATES**

ELEMENTARY BUDGETS 29-Jul-86

| | |
|---|---|
| Aides | $10,759 |
| Teachers | $31,385 |
| Curriculum Coord. | $39,494 |
| Program Administrators | $45,555 |
| Clerical | $18,314 |
| Principal | $45,173 |

| | |
|---|---|
| Average Salary Increase | 105.0% |
| Ext. Day % Salaries | $100,000 |
| Computers (W/Software | $1,500 |

| | FTE | 1986-87 | FTE | 1987-88 | FTE | 1988-89 | FTE | 1989-90 | FTE | 1990-91 | FTE | 1991-92 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **OTHER PROGRAMS** | | | | | | | | | | | | |
| **ELEMENTARY** | | | | | | | | | | | | |
| **PLANNING** | | | | | | | | | | | | |
| Task Forces @ $20,000 | | | 2 | $40,000 | 4 | $80,000 | 1 | $20,000 | 0 | $0 | 0 | $0 |
| Clerical | | | 1 | $19,230 | 1 | $20,191 | 1 | $21,201 | 1 | $22,261 | 1 | $23,374 |
| Supplies & Materials | | | | $25,000 | | $55,000 | | $5,000 | | $5,000 | | $5,000 |
| Printing & Advertising @ $15,000 | | | 2 | $30,000 | 4 | $60,000 | 1 | $15,000 | 0 | $0 | 0 | $0 |
| Inservice @ $25,000 | | | 2 | $50,000 | 6 | $150,000 | 7 | $175,000 | 7 | $175,000 | 7 | $175,000 |
| TOTAL | | | 1 | $164,230 | 1 | $365,191 | 1 | $236,201 | 1 | $202,261 | 1 | $203,374 |

**PINKERTON LATIN**

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Principal | 1 | $47,432 | | | | | | | |
| Resource Tchrs | | | 2 | $69,204 | 2 | $72,664 | 2 | $76,297 | 2 | $80,112 |
| Textbooks | | | | $5,000 | | $5,000 | | $5,000 | | $5,000 |
| Computers | | | 10 | $15,000 | 5 | $7,500 | 5 | $7,500 | 5 | $7,500 |
| Materials & Supplies | | $20,000 | | $20,000 | | $20,000 | | $20,000 | | $20,000 |
| Equipment | | $30,000 | | $10,000 | | $10,000 | | $5,000 | | $5,000 |
| Printing & Advertising | | | | $2,500 | | $2,500 | | $2,500 | | $2,500 |
| SUB TOTAL | 1 | $97,432 | 2 | $121,704 | 2 | $117,664 | 2 | $116,297 | 2 | $120,112 |

**NEW N.E. LATIN**

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Principal | | | 1 | $49,803 | | | | | |
| Resource Tchrs | | | | | 2 | $72,664 | 2 | $76,297 | 2 | $80,112 |
| Textbooks | | | | | | $5,000 | | $5,000 | | $5,000 |
| Computers | | | | | 10 | $15,000 | 5 | $7,500 | 5 | $7,500 |
| Materials & Supplies | | | | $20,000 | | $20,000 | | $20,000 | | $20,000 |
| Equipment | | | | $30,000 | | $10,000 | | $10,000 | | $5,000 |
| Printing & Advertising | | | | | | $2,5000 | | $2,500 | | $2,500 |
| SUB TOTAL | | | 1 | $99,803 | 2 | $125,164 | 2 | $121,297 | 2 | $120,112 |



**FAXON MONTESSORI**

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Principal | 1 | $47,432 | | | | | | | |
| Aides | | | 12 | $142,342 | 12 | $149,459 | 12 | $156,932 | 12 | $164,778 |
| Resource Tchrs | | | 4 | $138,408 | 4 | $145,328 | 4 | $152,595 | 4 | $160,224 |
| Textbooks | | | | $5,000 | | $5,000 | | $5,000 | | $5,000 |
| Materials & Supplies | | $20,000 | | $15,000 | | $10,000 | | $10,000 | | $10,000 |
| Equipment | | $30,000 | | $12,000 | | $12,000 | | $12,000 | | $12,000 |
| Extended Day | | | | $100,000 | | $100,000 | | $100,000 | | $100,000 |
| Printing & Advertising | | | | $2,500 | | $2,500 | | $2,500 | | $2,500 |
| SUB TOTAL | 1 | $97,432 | 16 | $415,249 | 16 | $424,287 | 16 | $439,026 | 16 | $454,503 |

**GARFIELD CLASSICAL GREEK**

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Resource Tchrs | | | | | 2 | $72,664 | 2 | $76,297 | 2 | $80,112 |
| Extended Day | | | | | | $100,000 | | $100,000 | | $100,000 |
| Artist/ Residence | | | | | | $30,000 | | $30,000 | | $30,000 |
| Textbooks | | | | | | $5,000 | | $5,000 | | $5,000 |
| Materials & Supplies | | | | | | $25,000 | | $20,000 | | $15,000 |
| Equipment | | | | | | $12,000 | | $12,000 | | $12,000 |
| Printing & Advertising | | | | | | $2,500 | | $2,500 | | $2,500 |
| SUB TOTAL | | | | | 2 | $247,164 | 2 | $245,797 | 2 | $244,612 |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **PITCHER CLASSICAL GREEK** | | | | | | | | |
| Resource Tchrs | | | 2 | $72,664 | 2 | $76,297 | 2 | $80,112 |
| Extended Day | | | | $100,000 | | $100,000 | | $100,000 |
| Artist/ Residence | | | | $30,000 | | $30,000 | | $30,000 |
| Textbooks | | | | $5,000 | | $5,00 | | $5,000 |
| Materials & Supplies | | | | $25,000 | | $20,000 | | $15,000 |
| Equipment | | | | $12,000 | | $12,000 | | $12,000 |
| Printing & Advertising | | | | $2,500 | | $2,500 | | $2,500 |
| SUB TOTAL | | | 2 | $247,164 | 2 | $245,797 | 2 | $244,612 |
| **NEW S.E. CAMPUS CLASSICAL GREEK** | | | | | | | | |
| Principal | 1 | $49,803 | | | | | | |
| Resource Tchrs | | | 2 | $72,664 | 2 | $76,297 | 2 | $80,112 |
| Extended Day | | | | $100,000 | | $100,000 | | $100,000 |
| Artist/Residence | | | | $30,000 | | $30,000 | | $30,000 |
| Textbooks | | $20,000 | | $5,000 | | $5,000 | | $5,000 |
| Materials & Supplies | | $30,000 | | $25,000 | | $20,000 | | $15,000 |
| Equipment | | | | $12,000 | | $12,000 | | $12,000 |
| Printing & Advertising | | | | $2,500 | | $2,500 | | $2,500 |
| SUB TOTAL | 1 | $99,803 | 2 | $247,164 | 2 | $245,797 | 2 | $244,612 |



| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **NEW S.W. CAMPUS GIFTED & TALENTED** | | | | | | | | |
| Principal | | | 1 | $52,293 | | | | |
| Resource Tchrs | | | | | 2 | $76,297 | 2 | $80,112 |
| Extended Day | | | | | | $100,000 | | $100,000 |
| Textbooks | | | | | | $5,000 | | $5,000 |
| Materials & Supplies | | | | | | $20,000 | | $15,000 |
| Equipment | | | | | | $12,000 | | $12,000 |
| Computers | | | | | 30 | $45,000 | 30 | $45,000 |
| Printing & Advertising | | | | | | $2,500 | | $2,500 |
| SUB TOTAL | | | 1 | $52,293 | 2 | $260,797 | 2 | $259,612 |
| **TOTAL OTHER PROGRAMS** | $0 | $359,093 | $1,101,751 | $1,697,101 | | $1,877,071 | | $1,891,550 |

ELEMENTARY BUDGETS 29-Jul-86

SCHEDULE OF RATES

| | | | |
|---|---|---|---|
| Teachers | $31,385 | Average Salary Increase | 105.0% |
| Curriculum Coord. | $39,494 | Ext. Day % Salaries | $100,000 |
| Program Administrators | $45,555 | Computers (W/Software) | $1,500 |
| Clerical | $18,314 | | |
| Specialist | $46,633 | | |

| | FTE | 1986-87 | FTE | 1987-88 | FTE | 1988-89 | FTE | 1989-90 | FTE | 1990-91 | FTE | 1991-92 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| PHYSICAL SCIENCES | | | | | | | | | | | | |
| ELEMENTARY | | | | | | | | | | | | |
| PLANNING | | | | | | | | | | | | |
| Task Forces | | | | | | | | | | | | |
| @ $20,000 | 2 | $40,000 | 1 | $20,000 | 4 | $80,000 | 2 | $40,000 | 0 | $0 | 0 | $0 |
| Subject Specialist | 1 | $46,633 | 1 | $48,965 | 2 | $102,826 | 2 | $107,967 | 2 | $113,365 | 2 | $119,034 |
| Clerical | 1 | $18,314 | 1 | $19,230 | 1 | $20,191 | 1 | $21,201 | 1 | $22,261 | 1 | $23,374 |
| Supplies & Materials | | $5,000 | | $5,000 | | $5,000 | | $5,000 | | $5,000 | | $5,000 |
| Printing & Advertising | | | | | | | | | | | | |
| @ $5,000 | 2 | $10,000 | 1 | $5,000 | 4 | $20,000 | 2 | $10,000 | 0 | $0 | 0 | $0 |
| Equipment | | | | | | | | | | | | |
| @ $25,000 | 2 | $50,000 | 1 | $25,000 | 4 | $100,000 | 2 | $50,000 | 0 | $0 | 0 | $0 |
| Inservice | | | | | | | | | | | | |
| @ $25,000 | 1 | $25,000 | 3 | $75,000 | 6 | $150,000 | 8 | $200,000 | 8 | $200,000 | 8 | $200,000 |
| TOTAL | 2 | $194,947 | 2 | $198,195 | 3 | $478,017 | 3 | $434,168 | 3 | $340,626 | 3 | $347,408 |



| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| WEEKS | | | | | | | | | | | | |
| Science/ Math Tchrs | 4 | $145,328 | 4 | $152,594 | 4 | $160,224 | | | | | | |
| Extended Day | | $100,000 | | $100,000 | | $100,000 | | | | | | |
| Textbooks | | $5,000 | | $5,000 | | $5,000 | | | | | | |
| Computers | 40 | $60,000 | 15 | $22,500 | 15 | $22,500 | | | | | | |
| Materials & Supplies | | | | | | | | | | | | |
| Equipment | | $4,000 | | $4,000 | | $4,000 | | | | | | |
| Printing & Advertising | | $25,000 | | $20,000 | | $15,000 | | | | | | |
| SUB TOTAL | | $2,5000 | | $2,5000 | | $2,500 | | | | | | |
| | 4 | $341,828 | 4 | $306,594 | 4 | $309,224 | | | | | | |
| THREE TRAILS | | | | | | | | | | | | |
| Science/ Math Tchrs | 3 | $108,996 | 3 | $114,446 | 3 | $120,168 | | | | | | |
| Extended Day | | $100,000 | | $100,000 | | $100,000 | | | | | | |
| Textbooks | | $5,000 | | $5,000 | | $5,000 | | | | | | |
| Computers | 40 | $60,000 | 15 | $22,500 | 15 | $22,500 | | | | | | |
| Materials & Supplies | | | | | | | | | | | | |
| Equipment | | $4,000 | | $4,000 | | $4,000 | | | | | | |
| Printing & Advertising | | $25,000 | | $20,000 | | $15,000 | | | | | | |
| SUB TOTAL | | $2,500 | | $2,5000 | | $2,5000 | | | | | | |
| | 3 | $305,496 | 3 | $268,446 | 3 | $269,168 | | | | | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| **NEW GLADSTONE** | | | | | | |
| **Science/ Math Tchrs** | 3 | $108,996 | 3 | $114,446 | 3 | $120,168 |
| **Extended Day** | | $100,000 | | $100,000 | | $100,000 |
| **Textbooks** | | $5,000 | | $5,000 | | $5,000 |
| **Computers** | 40 | $60,000 | 15 | $22,500 | 15 | $22,500 |
| **Materials & Supplies** | | $4,000 | | $4,000 | | $4,000 |
| **Equipment** | | $25,000 | | $20,000 | | $15,000 |
| **Printing & Advertising** | | $2,5000 | | $2,5000 | | $2,5000 |
| **SUB TOTAL** | 3 | $305,496 | 3 | $268,446 | 3 | $269,168 |
| **WHEATLEY** | | | | | | |
| **Math/ Science Tchrs** | 3 | $108,996 | 3 | $114,446 | 3 | $120,168 |
| **Extended Day** | | $100,000 | | $100,000 | | $100,000 |
| **Textbooks** | | $5,000 | | $5,000 | | $5,000 |
| **Computers** | 40 | $60,000 | 15 | $22,500 | 15 | $22,500 |
| **Materials & Supplies** | | $4,000 | | $4,000 | | $4,000 |
| **Equipment** | | $12,000 | | $12,000 | | $12,000 |
| **Printing & Adveritising** | | $2,5000 | | $2,500 | | $2,5000 |
| **SUB TOTAL** | 3 | $292,496 | 3 | $260,446 | 3 | $266,168 |



| | | | | | | |
|---|---|---|---|---|---|---|
| **NEW S.E. CAMPUS** | | | | | | |
| **Computer Resource Tchrs** | 3 | $114,446 | 3 | $120,168 | | |
| **Extended Day** | | $100,000 | | $100,000 | | |
| **Textbooks** | | $5,000 | | $5,000 | | |
| **Computers** | 60 | $90,000 | 40 | $60,000 | | |
| **Materials & Supplies** | | $4,000 | | $4,000 | | |
| **Equipment** | | $20,000 | | $15,000 | | |
| **Printing & Advertising** | | $2,5000 | | $2,500 | | |
| **SUB TOTAL** | 3 | $335,946 | 3 | $306,668 | | |
| **RICHARDSON** | | | | | | |
| **Computer Resource Tchrs** | 2 | $76,297 | 2 | $80,112 | | |
| **Extended Day** | | $100,000 | | $100,000 | | |
| **Textbooks** | | $5,000 | | $5,000 | | |
| **Computers** | 60 | $90,000 | 40 | $60,000 | | |
| **Materials & Supplies** | | $4,000 | | $4,000 | | |
| **Equipment** | | $8,000 | | $5,000 | | |
| **Printing & Advertising** | | $2,500 | | $2,500 | | |
| **SUB TOTAL** | 2 | $285,797 | 2 | $256,612 | | |

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| W. ROCK CREEK/KORTE | | | | | | | | | | | |
| Environmental | | | | | | | | | | | |
| Res. Tchrs | | | 4 | $131,817 | 6 | $207,612 | 6 | $217,992 | 6 | $228,892 | 6 | $240,337 |
| Textbooks | | | | $23,000 | | $10,000 | | $10,000 | | $10,000 | | $10,000 |
| Computers | | | 20 | $30,000 | 14 | $21,000 | 12 | $18,000 | 10 | $15,000 | 8 | $12,000 |
| Materials & Supplies | | | | $12,000 | | $20,000 | | $20,000 | | $20,000 | | $20,000 |
| Field Trips | | | | $80,000 | | $80,000 | | $80,000 | | $80,000 | | $80,000 |
| Equipment | | | | $20,000 | | $5,000 | | $5,000 | | $5,000 | | $5,000 |
| Printing & Advertising | | | | $2,500 | | $2,500 | | $2,500 | | $2,500 | | $2,500 |
| SUB TOTAL | | | 4 | $298,817 | 6 | $343,612 | 6 | $350,992 | 6 | $358,892 | 6 | $367,337 |
| KNOTTS | | | | | | | | | | | | |
| Environmental | | | | | | | | | | | | |
| Res. Tchrs | | | | | 3 | $103,806 | 3 | $108,996 | 3 | $114,446 | 3 | $120,168 |
| Textbooks | | | | | | $10,000 | | $10,000 | | $10,000 | | $10,000 |
| Computers | | | | | 15 | $22,500 | 12 | $18,000 | 10 | $15,000 | 5 | $7,500 |
| Materials & Supplies | | | | | | $12,000 | | $12,000 | | $12,000 | | $12,000 |
| Field Trips | | | | | | $40,000 | | $40,000 | | $40,000 | | $40,000 |
| Equipment | | | | | | $5,000 | | $5,000 | | $5,000 | | $5,000 |
| Printing & Advertising | | | | | | $2,500 | | $2,500 | | $2,500 | | $2,500 |
| SUB TOTAL | | | | | 3 | $195,806 | 3 | $193,996 | 3 | $196,446 | 3 | $194,668 |
| TOTAL PHYSICAL SCIENCE | 2 | $194,947 | 6 | $497,012 | 12 | $1,017,435 | 25 | $2,224,473 | 30 | $2,621,639 | 30 | $2,586,421 |



ELEMENTARY BUDGETS 29-Jul-86

SCHEDULE OF RATES

| | | | |
|---|---|---|---|
| Teachers | $31,385 | Average Salary Increase | 105.0% |
| Curriculum Coord. | $39,494 | Ext. Day % Salaries | $100,000 |
| Program Administrators | $45,555 | Computers (W/Software) | $1,500 |
| Clerical | $18,314 | | |
| Specialist | $46,633 | | |

| | FTE | 1986-87 | FTE | 1987-88 | FTE | 1988-89 | FTE | 1989-90 | FTE | 1990-91 | FTE | 1991-92 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| PERFORMING ARTS & WRITING | | | | | | | | | | | | |
| ELEMENTARY | | | | | | | | | | | | |
| PLANNING | | | | | | | | | | | | |
| Task Forces | | | | | | | | | | | | |
| @ $20,000 | | | 4 | $80,000 | 3 | $60,000 | 0 | $0 | 0 | $0 | 0 | $0 |
| Subject Specialist | | | 1 | $48,965 | 1 | $51,413 | 1 | $53,984 | 1 | $56,683 | 1 | $59,517 |
| Clerical | | | 1 | $19,230 | 1 | $20,191 | 1 | $21,201 | 1 | $22,261 | 1 | $23,374 |
| Supplies & Materials | | | | $5,000 | | $5,000 | | $5,000 | | $5,000 | | $5,000 |
| Printing & Advertising | | | | | | | | | | | | |
| @ $15,000 | | | 4 | $60,000 | 3 | $30,000 | 0 | $0 | 0 | $0 | 0 | $0 |
| Equipment | | | | | | | | | | | | |
| @ $25,000 | | | 4 | $100,000 | 3 | $75,000 | 0 | $0 | 0 | $0 | 0 | $0 |
| Inservice | | | | | | | | | | | | |
| @ $25,000 | | | 4 | $100,000 | 7 | $175,000 | 7 | $175,000 | 7 | $175,000 | 7 | $175,000 |
| SUB TOTAL | | | 2 | $413,194 | 2 | $416,604 | 2 | $255,184 | 2 | $258,943 | 2 | $262,891 |

| | | | | | | |
|---|---|---|---|---|---|---|
| **ATTUCKS COMM. & WRITING** | | | | | | |
| **Communication Res. Tchr** | 2 | $72,664 | 2 | $76,297 | 2 | $80,112 |
| **Textbooks** | | $5,000 | | $5,000 | | $5,000 |
| **Computers** | 15 | $22,500 | 10 | $15,000 | 5 | $7,500 |
| **Materials & Supplies** | | $4,000 | | $4,000 | | $4,000 |
| **Equipment** | | $25,000 | | $20,000 | | $15,000 |
| **Printing & Advertising** | | $2,500 | | $2,500 | | $2,500 |
| **SUB TOTAL** | 2 | $131,664 | 2 | $122,797 | 2 | $114,112 |
| **TROOST** | | | | | | |
| **Communication Res. Tchr** | 2 | $72,664 | 2 | $76,297 | 2 | $80,112 |
| **Textbooks** | | $5,000 | | $5,000 | | $5,000 |
| **Computers** | 15 | $22,500 | 10 | $15,000 | 5 | $7,500 |
| **Materials & Supplies** | | $4,000 | | $4,000 | | $4,000 |
| **Equipment** | | $25,000 | | $20,000 | | $15,000 |
| **Printing & Advertising** | | $2,500 | | $2,500 | | $2,500 |
| **SUB TOTAL** | 2 | $131,664 | 2 | $122,797 | 2 | $114,112 |



| | | | | | | |
|---|---|---|---|---|---|---|
| **NEW W. CAMPUS COMM & WRITING** | | | | | | |
| **Communication Res. Tchrs** | 2 | $72,664 | 2 | $76,297 | 2 | $80,112 |
| **Textbooks** | | $5,000 | | $5,000 | | $5,000 |
| **Computers** | 15 | $22,500 | 10 | $15,000 | 5 | $7, 500 |
| **Materials & Supplies** | | $4,000 | | $4,000 | | $4,000 |
| **Equipment** | | $25,000 | | $20,000 | | $15,000 |
| **Printing & Advertising** | | $2,500 | | $2,500 | | $2,500 |
| **SUB TOTAL** | 2 | $131,664 | 2 | $122,797 | 2 | $114,112 |
| **NEW GLADSTONE** | | | | | | |
| **Arts Tchrs** | 2 | $69,204 | 2 | $72,664 | 2 | $76,297 | 2 | $80,112 |
| **Extended Day** | | $100,000 | | $100,000 | | $100,000 | | $100,000 |
| **Textbooks** | | $5,000 | | $5,000 | | $5,000 | | $5,000 |
| **Materials & Supplies** | | $30,000 | | $30,000 | | $30,000 | | $30,000 |
| **Artist/ Residence** | | $25,000 | | $25,000 | | $20,000 | | $15,000 |
| **Equipment** | | $12,000 | | $12,000 | | $12,000 | | $12,000 |
| **Printing & Advertising** | | $2,500 | | $2,500 | | $2,500 | | $2,500 |
| **SUB TOTAL** | 2 | $243,704 | 2 | $247,164 | 2 | $245,797 | 2 | $244,612 |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **LONGFELLOW** | | | | | | | | | | | | |
| Arts Teachers | | | 2 | $69,204 | 2 | $72,664 | 2 | $76,297 | 2 | $80,112 | | |
| Extended Day | | | | $100,000 | | $100,000 | | $100,000 | | $100,000 | | |
| Textbooks | | | | $5,000 | | $5,000 | | $5,000 | | $5,000 | | |
| Artist/ Residence | | | | $30,000 | | $30,000 | | $30,000 | | $30,000 | | |
| Materials & Supplies | | | | $25,000 | | $25,000 | | $20,000 | | $15,000 | | |
| Equipment | | | | $12,000 | | $12,000 | | $12,000 | | $12,000 | | |
| Printing & Advertising | | | | $2,500 | | $2,500 | | $2,500 | | $2,500 | | |
| **SUB TOTAL** | | | | $243,704 | | $247,164 | | $245,797 | | $244,612 | | |
| **MESERVEY** | | | | | | | | | | | | |
| Arts Teachers | | | 2 | $69,204 | 2 | $72,664 | 2 | $76,297 | 2 | $80,112 | | |
| Extended Day | | | | $100,000 | | $100,000 | | $100,000 | | $100,000 | | |
| Textbooks | | | | $5,000 | | $5,000 | | $5,000 | | $5,000 | | |
| Artist/ Residence | | | | $30,000 | | $30,000 | | $30,000 | | $30,000 | | |
| Materials & Supplies | | | | $25,000 | | $25,000 | | $20,000 | | $15,000 | | |
| Equipment | | | | $12,000 | | $12,000 | | $12,000 | | $12,000 | | |
| Printing & Advertising | | | | $2,500 | | $2,500 | | $2,500 | | $2,500 | | |
| **SUB TOTAL** | | | | $243,704 | | $247,164 | | $245,797 | | $244,612 | | |
| **PHILLIPS** | | | | | | | | | | | | |
| Arts Teachers | | | 2 | $69,204 | 2 | $72,664 | 2 | $76,297 | 2 | $80,112 | | |
| Extended Day | | | | $100,000 | | $100,000 | | $100,000 | | $100,000 | | |
| Artist/ Residence | | | | $30,000 | | $30,000 | | $30,000 | | $30,000 | | |
| Textbooks | | | | $5,000 | | $5,000 | | $5,000 | | $5,000 | | |
| Materials & Supplies | | | | $25,000 | | $25,000 | | $20,000 | | $15,000 | | |
| Equipment | | | | $12,000 | | $12,000 | | $12,000 | | $12,000 | | |
| Printing & Advertising | | | | $2,500 | | $2,500 | | $2,500 | | $2,500 | | |
| **SUBTOTAL** | | | 2 | $243,704 | 2 | $247,164 | 2 | $245,797 | 2 | $244,612 | | |
| **TOTAL ARTS & COMMUNICATION** | $0 | 2 | $413,194 | 10 | $1,391,420 | 16 | $1,638,833 | 16 | $1,610,524 | 16 | $1,583,675 | |

SUMMARY OF PROPOSED BUDGETS 29-Jul-86

MAGNET BUDGET TOTALS

| | 1986-87 | 1987-88 | 1988-89 | 1989-90 | 1990-91 | 1991-92 |
|---|---|---|---|---|---|---|
| TOTAL ELEMENTARY | $864,894 | $2,806,151 | $5,427,398 | $7,513,649 | $8,100,750 | $8,093,351 |
| TOTAL MIDDLE SCHOOL | $3,641,579 | $4,612,621 | $5,822,239 | $7,382,356 | $7,683,150 | $7,478,185 |
| TOTAL HIGH SCHOOL | $680,097 | $3,190,643 | $7,480,234 | $11,101,919 | $14,277,796 | $14,421,158 |
| MAGNET SUPPORT | $3,129,702 | $3,337,314 | $3,819,309 | $3,903,847 | $3,923,144 | $4,044,539 |
| TOTAL | $8,316,272 | $13,946,729 | $22,549,180 | $29,901,771 | $33,984,840 | $34,037,233 |



ATTACHMENT "B"

SUMMARY OF CAPITAL FACILITIES COSTS
REQUESTED FOR MAGNET SCHOOLS
AT SEPTEMBER 15, 1966 HEARING

| School (Theme) (Date scheduled to open) | Cost Estimates in Capital Improvement Study | Work Funded In Phase II | Beginning Costs | 10% Inflation Increment | Magnet School Improvements (net cost) | Total |
|---|---|---|---|---|---|---|
| Central High[1] (Computers) (Sept. 88) | | | | | | 15,248,858 |
| New Paseo Middle School[2] (Visual and Performing Arts) (Sept. 88) | School to be constructed (site acquisition not included) | | | | | 5,063,000 |
| New Gladstone Elementary (Visual and Performing Arts) (Sept. 88) | School to be constructed (site acquisition not included) | | | | | 4,779,000 |
| New West (Spanish and Communications) | School to be constructed (site acquisition not included) | | | | | 6,982,000 |
| Northeast High (Law and Public Service) (Sept. 87) | 4,639,698 | 667,590 | 3,972,100 | 397,218 | 1,383,822 | 5,753,132 |

| | | | | | | |
|---|---|---|---|---|---|---|
| Bingham Middle (Science/Math) (Sept. 87) | 1,929,818 | 248,754 | 1,681,064 | 168,186 | 1,817,300 | 2,866,478 |
| Central Middle (Computers) (Sept. 87) | 3,588,534 | 543,246 | 3,845,284 | 384,528 | 1,587,375 | 4,857,187 |
| Lincoln South Middle (Science/Math) (Sept. 87) | 1,568,820 | 489,475 | 1,158,546 | 116,854 | 1,913,580 | 3,179,898 |
| Southeast Middle (Science/Math) (Sept. 87) | 1,358,723 | 161,711 | 1,109,812 | 118,901 | 1,300,150 | 3,168,063 |
| Fairmount Elementary (Spanish) (Sept. 87) | Non-request renovation work is not sought at this time[3] | | | | 41,200 | 41,200 |
| Franklin Elementary (Spanish and French) (Sept. 87) | | | | | 38,000 | 38,000 |
| Longan Elementary (French) (Sept. 87) | | | | | 41,200 | 41,200 |



| | | |
|---|---|---|
| Moore Elementary (Spanish) (Sept. 87) | 112,500[4] | 112,500 |
| Mt. Washington Elementary (German) (Sept. 87) | 41,200 | 41,200 |
| Sugar Creek Elementary (French) (Sept. 87) | 41,200 | 41,200 |



[1] Construction figures for new Central High School (site acquisition not included). Total renovation cost to existing building would be (illegible)

[2] Site acquisition not included. Temporary facility to be used in Sept. 87, with permanent facility opening Sept. 88.

[3] Only language laboratories being sought for existing elementary schools at September 15 hearing.

[4] Language laboratory cannot be constructed in existing space — addition required.

## APPENDIX F

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

No. 77-0420-CV-W-4

KALIMA JENKINS, et al.,
Plaintiffs,

vs.

STATE OF MISSOURI, et al.,
Defendants.

**ORDER**

[Filed July 6, 1987]

Several matters in this case are presently before the Court. The KCMSD has moved the Court to approve the desegregation budget for fiscal year 1987-88. A hearing was conducted on this proposal on May 11 and 12, 1987. The Court will approve a modified budget as set forth in this order. The KCMSD has also moved the Court for funding of estimated deficits for its 1986-87 and 1987-88 fiscal years. Intervenor ATF [sic] Local 691 moved the Court for alternate funding relief regarding teacher's wages. The Court will defer ruling on the motions regarding funding relief until after the August, 1987 hearing on the proposed long range capital improvement plan. The Eighth Circuit has remanded this Court's magnet school orders to permit this Court to set forth its facts and equitable reasons for placing the higher cost burden on the State of Missouri for funding of the magnet school plan. The Court will set forth its findings in this regard which shall be construed as an addendum to its orders of June 16, 1986 and November 12, 1986 in regard to the magnet school program.



*PUBLIC INFORMATION*

The KCMSD proposes a consolidation of the public information functions of the long range magnet school plan, the KCMSD regular desegregation program, and the KCMSD regular programs into one office operating under a single budget of $419,680.00. The Court approves the consolidation because it would provide a more effective and cost efficient communication medium.

The KCMSD acknowledges that $218,250.00 of the requested budget is provided in the long range magnet plan and thus requests the approval of the balance of $201,430.00. The Court has approved a public information budget of $30,000.00 for each of the first two years of the desegregation plan. The Court will continue the $30,000.00 budget for year three but will not approve the additional $201,430.00 requested by the KCMSD. As acknowledged by the KCMSD, the long term magnet public information office provides for nearly 1/2 of the funding requested for a consolidated office. The Court finds that the $201,430.00 contained in the magnet school budget plus an additional $30,000.00 will supply the KCMSD with the resources needed to provide the public with information on all programs.

*PROGRAM EVALUATION*

The KCMSD has requested funding of $362,355.00 for evaluation of the desegregation programs, excluding the long range magnet plan, for the first three years of the remedial plan. The Court agrees that these programs should be evaluated. However, a continuing complaint against the KCMSD is that it employs an excessive number of administrative personnel. In this particular instance, the Court is in no position to conclude that the desegregation programs could not be evaluated with the current KCMSD staff. The KCMSD has not provided the Court with a breakdown of the resources and personnel available in its current

evaluation office. Accordingly, the Court will deny KCMSD's request for funding for program evaluation for failure to meet its burden of proof.

*DESEGREGATION MONITORING OFFICE*

The KCMSD has requested funding of $208,130.00 for the 1987-88 cost of a desegregation monitoring office. KCMSD states that it established this office to coordinate communication between the KCMSD and the desegregation monitoring committee and the other parties to the lawsuit. While this monitoring office may better facilitate these communications, the Court does not find that it is a necessary desegregation expense. In addition, it is the obligation of the KCMSD administrative staff to understand the remedial plan and to see that it is fulfilled. The Court finds that it would be beneficial if the administrators communicated directly with the Desegregation Monitoring Committee and the parties rather than providing requested information to a conduit office. Therefore, the Court will not approve this funding as part of the 1987-88 desegregation budget.

*DESEGREGATION MONITORING COMMITTEE*

The Desegregation Monitoring Committee is an arm of this Court and has shown itself to be an effective and impartial group committed to achieving the goals outlined in this Court's plan. In order to continue the functions outlined by the Court in the June 14, 1985 order, the budget for the monitoring office will be increased from its present level of $187,950.00 to $256,228.00. This $68,278.00 increase consists of a $1,500.00 increase in operating budget, a 5% increase in salaries and fringe benefits, a $46,191.00 increase in research funds, and a $17,000.00 increase in per diem payments. The research pool budget of $86,191.00 includes $31,191.00 in unexpended funds from the 1986-87 budget. Furthermore, $15,000.00 of the 1987-88 research budget will be used to contract with an independent CPA firm to audit the desegregation program for year two. The



increase in the per diem budget includes funds for payments to the members of the newly created voluntary interdistrict transfer subcommittee as well as an increase in the number of compensable hours of the four subcommittee chairpersons from 100 to 110 hours per year.

*IMPROVING STUDENT ACHIEVEMENT*

*Effective Schools*

The KCMSD has proposed a budget of $6,925,000.00 for the effective schools program for 1987-88. This amount consists of $125,000.00 for each of the 25 KCMSD schools with enrollments of 90% or more minority in 1987-88, $100,000.00 for each of the remaining schools, and $100,000.00 to be shared by students at four special schools.

The Court notes that the KCMSD has included Switzer Elementary in the 90% or more minority category. Switzer's enrollment in 1987-88 is estimated to be 37% black and 51% hispanic. The State argues that Switzer should not be included in this category because the Court in its order of June 14, 1985 allocated effective schools funding based upon the percentage of blacks enrolled in the particular schools, not their percentage of minorities. *Jenkins* v. *State of Missouri*, 639 F.Sup. 19, 33 (W.D. MO.1985). While the Court did indeed use the language cited by the State, the Court has treated the hispanic race as a minority throughout the remedial plan as evidenced by the Court's selection of hispanics to serve on the Desegregation Monitoring Committee. Therefore, the Court approves of Switzer being included in the 90% or more category.

KCMSD has also requested effective schools funding for those schools which are scheduled to become magnets in 1987-88 under the long term magnet school plan approved by this Court. In its order of June 16, 1986, this Court eliminated effective schools funding for the initial six magnet schools it had

approved because the magnet components were intended to achieve the same goals of increased student achievement sought by the effective schools program. The Court believes that the magnet programs will make schools truly effective. Therefore, the Court will also eliminate effective schools funding for those schools scheduled to offer magnet programs in 1987-88. Included in the list of the 62 schools for which the KCMSD requests effective schools funding are thirteen school scheduled to become magnets under the long range magnet school plan in 1987-88. Accordingly, the effective schools funding requested for these schools, $1,375,000.00, will not be approved by the Court.

Finally, the KCMSD requests $100,000.00 to be shared by four schools which have specialized programs and are attended by students from other schools throughout the KCMSD. The Court allowed a total of $75,000.00 for these schools in 1986-87, and finds that the continuation of these programs is beneficial and will approve KCMSD's funding request for 1987-88.

For the reasons stated above, the Court will approve funding for the effective schools program in 1987-88 in the amount of $5,550,000.00.

*Reduction in Class Size*

The KCMSD has requested funding of $8,360,705.00 for the 1987-88 cost of teachers required to meet the class size levels ordered by this Court. In addition, KCMSD asks that $89,430.00 in moving costs incurred by KCMSD in reallocating space to reach these court ordered goals be recognized as a desegregation expense.

The $8,360,705.00 requested includes an amount for 160 additional teachers that KCMSD projects are required to finally achieve the class size levels ordered by this Court. The Court finds that the 160 teachers are in addition to the 45 teachers the



KCMSD had intended to furlough in 1985-86 and which the Court instructed the KCMSD to retain since they would be needed for the desegregation plan in 1985-86. The State argues that the KCMSD's estimate of additional teachers needed is excessive because it will result in some classes having considerably fewer students than the maximum levels ordered by he Court. Based upon the evidence presented at the hearing, the Court finds that there will be relatively few such classes, that they are inevitable, and they are necessary to insure that other classes do not exceed the Court ordered levels.

In addition, the State argues that the class size reduction should only be implemented in schools 90% or more black. The Court rejects this argument because the Court's remedial plan is intended to improve the quality of education of all KCMSD students. Furthermore, the State's plan would likely create a two-tier system which the Court is feverishly trying to avoid.

Finally, the Court will approve the $89,430.00 in relocation costs incurred by the KCMSD in achieving the Court ordered levels as a desegregation expense.

Accordingly, the Court will approve funding for the class size reduction component in 1987-88 in the amount of $8,450,135.00.

*Summer School*

The KCMSD has requested $1,295,764.00 for the summer school component for 1987-88, an increase of approximately $100,000.00 from 1986-87. The State argues that the budget is excessive because the KCMSD did not meet its projected enrollments on which the Courts's 1986-87 funding was based, and yet projects the same enrollments for 1987-88. The KCMSD did in fact meet its enrollment projections at the elementary level while it admittedly fell short at the junior and senior high school levels. The proposed budget provides money for additional transportation and includes a new position of coordinator of instruction.

These additional components will certainly improve the summer school program and will likely attract additional students. Therefore, the Court will give the KCMSD another year to meet the projected enrollments. Accordingly, the Court will approve the requested summer school budget in the amount of $1,295,764.00.

In a related matter, the KCMSD claims that the State has refused to include the KCMSD summer school students in its foundation formula payment calculations for years 1985 and 1986. The State claims that to do so would effect a double payment since it is already paying 50% of the summer school component under the desegregation budget. The Court finds the State's argument to be without merit because the desegregation budget only includes funds for the added expenditures required under the Court's desegregation orders. The base operating costs of the KCMSD summer school program are funded through the KCMSD operating budget for which it relies on the State's foundation formula payments for a portion of its revenues. Therefore, the State is directed to include the KCMSD summer school students in its foundation formula calculations.

*Full Day Kindergarten*

The KCMSD has requested funding of $1,826,964.00 for this program in 1987-88, an increase of $232,468.00 over 1986-87. Pursuant to this Court's orders, the KCMSD has hired 58 additional teachers to facilitate a full day kindergarten program in the KCMSD. These additional teachers increase the total number of kindergarten teachers in the KCMSD to 158. The KCMSD states that no additional teachers are needed for 1987-88. However, the proposed budget includes funds for three resource teachers to train and assist the regular kindergarten teachers in making effective use of the additional class time through new learning activities in the kindergarten curriculum. The budget also requests funding for additional supplies and equipment needed for a full day program and for a clerical position to assist in preparation of these materials. The budget



also includes $54,000.00 in workshop stipends for the 158 regular teachers. The Court finds that these requests are reasonable and will enhance the quality of education provided kindergarten students within the KCMSD.

The State argues that only 58 of the 158 teachers were hired under the desegregation budget and only the workshop stipends of those 58 teachers should be a desegregation expense. The Court finds the State's argument to be without merit. The Court's remedial plan required all KCMSD kindergarten schools to become full day programs. Thus, the cost of training all the kindergarten teachers to instruct a full day program, regardless of whether their salary comes from the KCMSD operating or desegregation budget, are desegregation expenses.

Accordingly, the Court will approve funding for the full day kindergarten program for 1987-88 in the amount of $1,826,964.00.

*Before and After School Tutoring*

The KCMSD has proposed a budget of $233,759.00 for the before and after school tutoring program for 1987-88. This represents an increase of $129,359.00 over the 1986-87 budget.

The increase primarily consists of funding for transportation and the addition of certified teachers to replace the teaches aides and volunteers presently used. The State argues that the KCMSD has not justified doubling the budget for a program which has not succeeded in terms of projected enrollments. While the State is correct in stating that the program has not succeeded as anticipated, the Court finds that the lack of transportation was the primary reason why many students were not able to participate in the program. Moreover, the addition of certified teachers will certainly improve the quality of the tutoring and may attract additional students. Therefore, the Court will approve the funding requested by the KCMSD, thereby giving the KCMSD another year to meet its projected enrollments.

*Early Childhood Education*

The KCMSD has requested funding of $3,102,178.00 for this program in 1987-88, an increase of $1,550,392.00 over 1986-87. The State supports the expansion of this program with the exception of the addition of a specialist position at a salary of $41,544.00. During the hearing, Mr. Mike Jones, coordinator of both the full day kindergarten and early childhood programs, testified that the KCMSD's proposal promotes him to the position of specialist for which he would retain responsibility of both programs, and adds the position of coordinator for the early childhood program. This new coordinator would be in charge of the day to day operations of the early childhood program. The 1987-88 budget also eliminates the position of a resource teacher. The Court finds that this proposal is very reasonable as it would provide more effective operation of both the early childhood and full day kindergarten programs. Furthermore, the net budget increase created by the upgrading of Mr. Jones, the addition of a new coordinator, and the elimination of a resource teacher is only $15,227.00 over 1986-87.

For the reasons stated, the Court will approve funding for the early childhood program in the amount of $3,102,178.00 for 1987-88.

*Long Range Magnet School*

The KCMSD has requested approval of $17,137,993.00 for the implementation costs of the long range magnet plan in 1987-88. This figure includes the $13,946,729.00 cost of implementation of the long range magnet plan for 1987-88 previously approved by the Court, $8.9 million of which the KCMSD and the State are jointly and severally liable, with the State solely liable for the balance. The KCMSD states that the balance of the total $17.1 million requested is for the cost of the base personnel and resources of two new magnets scheduled to open in 1987-88 (Lincoln South and New Paseo Middle School). These base



costs include salaries for a principal, teachers, librarian, custodians and other support personnel, as well as nonsalary items including textbooks and various supplies. (These costs were not included in the long range magnet budget approved by the Court). The Court finds that these expenditures are desegregation expenses. However, the establishment of these two new magnet schools will result in costs avoided elsewhere within the KCMSD since nearly all of the students transferring to these new magnets are presently KCMSD students. Therefore, the Court will approve the proposed base personnel and resources costs in 1987-88 of these two new magnet schools as desegregation costs, but will reduce the approved amount by the costs avoided elsewhere in the KCMSD as their amount becomes available.

Accordingly, the Court will approve $17,137,993.00 for the implementation of the long range magnet school plan as part of the 1987-88 desegregation budget.

*1986-87 Magnet Schools*

The KCMSD has submitted an operating budget of $12,257,529.00 for the six magnet schools implemented in September, 1986 pursuant to the Court's June 16, 1986 order. The budget represents a $615,198.00 decrease from the 1986-87 budget. After carefully reviewing the submitted budget, the Court finds that these expenditures are reasonable in cost and necessary for the effective operation of these magnets. Accordingly, the Court will approve the funding requested.

*AAA Achievement*

The KCMSD has requested funding of $6,340,614.00 for the AAA achievement component in 1987-88, a decrease of $2,450,083.00 from 1986-87. The proposed budget consists of $4,057,383.00 for professional staff and teachers' aides with the balance for library resources needed to maintain the AAA level in 1987-88. The Court finds that these expenditures are reason-

able in cost and necessary to maintain AAA level and will approve the requested funding in the amount of $6,340,614.00.

*SWAS, DRP and STEPS*

The KCMSD proposes a separate budget of $1,205,558.00 for the SWAS, DRP, and STEPS programs that are presently funded from the effective schools budget. The Court agrees with the KCMSD that these programs are innovative programs which offer realistic prospects for progress in dealing with the problems of urban education. However, the Court finds that since these programs are aimed at improving student achievement that they should remain under the effective schools component of the remedial plan, and should continue to obtain their funding from the effective schools budget approved by the Court. If the KCMSD believes there is insufficient funds in the effective schools budget to support these programs, then the KCMSD should ask the Court to increase the effective schools funding.

Accordingly, the Court will not approve the KCMSD's proposed separate budget for the SWAS, DRP and STEPS programs.

*Capital Improvements*

The KCMSD has requested that the Court recognize approximately $3.5 million in capital improvement related costs incurred by the KCMSD as desegregation expenses of the district.

This amount includes $811,584.00 in costs to be incurred by the KCMSD in relocating students to other facilities while the Court ordered capital improvements on the 1986-87 magnets are in process. In its order of June 16, 1986, the Court stated that the KCMSD may use up to $480,000.00 of the $12.8 million approved for capital improvement expenditures on these magnets to purchase classroom modules if necessary to complete these improvements without displacing the students from their present schools. *Jenkins* v. *State of Missouri*, 639 F.Supp. 19, 53



(W.D.Mo.1986). The Court maintains this position and thus will not recognize expenses incurred by the KCMSD in relocating these students as a desegregation expense.

The KCMSD also requests that the Court recognize as a desegregation expense approximately $2.24 million that it will spend in 1987=88 to maintain the $37 million in capital improvements ordered by the Court in its June 14, 1985 order. This request will be denied because the maintenance of these improved facilities is the sole responsibility of the KCMSD. In its order of June 14, 1985, the Court stated:

> After the capital improvements have been made, it will be incumbent upon KCMSD to include in its budget funds for the maintenance of the improved facilities.

*Jenkins* v. *State of Missouri*, 639 F.Supp. 19, 41 (W.D.Mo.1985).

The KCMSD has also requested the Court to recognize the cost of obtaining its share of funding for capital improvements as a desegregation expense of the KCMSD. In its order of June 14, 1985, the Court required KCMSD to contribute $10,000,000.00, and the State $27,000,000.00, for improvements to KCMSD's facilities. In raising its portion of the funding, KCMSD claims that it will incur interest costs of approximately $6,000,000.00 over a ten year period, with the 1987-88 costs estimated at $353,061.00. The Court finds that because these interest costs will be incurred in fulfilling KCMSD's obligation under the remedial plan, they are properly desegregation expenditures. Therefore, the Court will recognize the estimated interest costs for 1987-88 of $353,061.00 as a desegregation expense.

**Summary of 1987-88 Desegregation Budget**

| | |
|---|---|
| Public information | $30,000.00 |
| Desegregation Monitoring Office | -0- |
| Program Evaluation | -0- |
| Segregation Monitoring Committee | $256,228.00 |
| Effective Schools | $5,550,000.00 |
| Reduction in Class Sizes | $8,450,135.00 |
| Summer School | $1,295,764.00 |
| Full Day Kindergarten | $1,826,964.00 |
| Before and After School Tutoring | $233,759.00 |
| Early Childhood Education | $3,102,178.00 |
| Long Range Magnet Schools | $17,137,993.00 |
| 1986-87 Magnets | $12,257,529.00 |
| AAA Achievement | $6,340,614.00 |
| SWAS, DRP and STEPS | -0- |
| Capital Improvements (Interest) | $353,061.00 |
| Total | $56,834,225.00 |

*FUNDING OF 1987-88 DESEGREGATION BUDGET/ REMAND OF THE COURTS MAGNET SCHOOL ORDERS*

In its opinion of December 5, 1986, the United States Court of Appeals for the Eighth Circuit concluded that this Court made no findings which substantiate placing a greater financial burden on the State than that placed on the KCMSD for funding of the effective schools, capital improvements, and achievement of AAA standards. At the time this Court entered its orders of June



16, 1986 and November 12, 1986 requiring the State and the KCMSD to fund and implement a comprehensive magnet school plan, the Court did not have the privilege of having the Eighth Circuit's opinion. Subsequently, this Court was granted leave to modify its magnet school orders to set forth its facts and equitable reasons for placing the higher cost burden on the State for funding of the magnet school plan. The Court's reasoning is set forth below and also provides the basis for the Court's apportionment of the funding responsibility of the KCMSD and the State of Missouri for the 1987-88 desegregation budget.

This Court need not specify the various acts that precipitated the Court's finding of liability on the part of the State and the KCMSD because those acts are set forth in this Court's original liability order and are well summarized in the dissent of Judge Lay in *Jenkins* v. *State of Missouri*, 807 F.2d 657, 700-702 (8th Cir. 1986). There is no question that the State of Missouri solely created separate schools for black and white children in Missouri through legislation and constitutional mandate. Furthermore, the State and the KCMSD both failed in their obligation which commenced in 1954 to eliminate the vestiges of unlawful discrimination caused by the dual school system. In determining the proportionate responsibility of these two constitutional violators to fund the remedial plan, the Court applied the simple principle that "the person who starts the fire has more responsibility for the damages caused than the person who fails to put it out." In the instant case, the State, the entity which started the fire, i.e. the unlawful segregation, also shared the responsibility with the KCMSD to put it out.

The creation of a dual system was mandated by the State and the KCMSD had no choice but to operate a dual school system until May, 1954. For this reason the State should be required to shoulder more of the costs for the removal of the vestiges of its unconstitutional mandates than the KCMSD, which was required by Missouri law to follow the State's mandates. In

addition, since the victims of the vestiges of discrimination are residents of the KCMSD, those victims should not be required to share equally the costs of removing the vestiges with the entity that mandated the conditions creating them.

In addition, the population of Kansas City, Missouri in 1980 constituted 9.1% of the total population of the State of Missouri. Assuming that the KCMSD population is equal to that of Kansas City, Missouri, the Court finds that it is clearly inequitable to require 9% of the State's population to pay 50% of the desegregation costs ordered in the remedial plan. Such a situation would be even more inequitable in the present case where the KCMSD residents are also contributing to the State's portion of the desegregation costs through payment of state taxes.

While the Court does not have an exact estimate of the ultimate cost of implementing the entire remedial plan, it does know that the ultimate cost will be in the hundreds of millions of dollars. The Court is of the opinion and finds that even with Court help it would be very difficult for the KCMSD to fund more than 25% of the costs of the entire remedial plan.

It is well settled that a district court has wide discretion in allocating damages among nonsettling defendants in civil cases. *Parson* v. *Kaiser Aluminum and Chemical Corporation*, 583 F.2d 132, 133-34 (5th Cir. 1978) *cert. denied*, 441 U.S. 968, 99 S.Ct. 2417, 60 L.Ed.2d 1073 (1979). Apportionment of damages according to fault is further supported by the Uniform Comparative Fault Act as adopted by the Missouri Supreme Court in *Gustafson* v. *Benda*, 661 S.W.2d 11 (Mo. 1983). In addition, the Supreme Court has stated that a court of equity may go much further in giving relief in furtherance of a public interest than they are accustomed to go when only private interests are involved. *United States* v. *First National City Bank*, 379 U.S. 378, 85 S.Ct. 528, 13 L.Ed.2d 365 (1965). With these considerations in mind, this Court concluded that the relative fault of the State of Missouri in this action was 75% and the KCMSD 25%.



The Court has consistently applied these percentages of fault determinations in assessing damages in all phases of its remedial plan, including its comprehensive magnet school orders of June 16.1986 and November 12, 1986. Funding responsibility for the 1986-87 magnets, approximately 50% for both parties, may appear to be inconsistent with the fault assessments determined by the Court. However, the funding for the 1986-87 magnet schools was included in the overall 1986-87 desegregation budget for which the Court ordered the KCMSD to fund approximately 25% of the entire budget.

Regarding the 1987-88 desegregation budget, the Court will order that the State and the KCMSD will be jointly and severally liable for the entire budget with contribution between the two constitutional violators to be 75% or $42,625,668.00 by the State, and 25%, or $14,208,557.00 by the KCMSD. The joint and several liability will be ordered pursuant to the Eighth Circuit's mandate that "remedy ordered by the Court be fully funded." *Jenkins* v. *State of Missouri*, 807 F.2d 657, 686 (8th Cir. 1986). Furthermore, in the event that this Court is found to be incorrect in its apportionment of damages, the joint and several liability finding will insure that the remedial plan will be fully funded and guarantee to the plaintiffs the programs to which they are entitled.

The Court notes that its funding apportionment for the 1987-88 desegregation budget, which includes the implementation costs of the long term magnet plan for 1987-88, appears inconsistent with the Court's previous funding allocation in its order approving the long range magnet plan. The court's order of November 12, 1986 apportioned funding for the 1987-88 implementation costs of the long range magnet plan at approximately 33% KCMSD and 66% the State of Missouri. However, the KCMSD's portion of the total implementation costs of the long range magnet plan plus the $53 million in capital improvements approved in the November 12, 1986 order is approximately 25%, and is therefore consistent with the Court's present action.

*KCMSD'S MOTION FOR FUNDING OF DEFICITS*

KCMSD project that it will have a deficit of $7.3 million in fiscal year 1986-87 and $52.2 million in 1987-88 due to its funding obligations under the desegregation plan. The estimated deficit for 1987-88 is based on the proposed 1987-88 budget which the Court is modifying. Therefore, the estimated deficit for 1987-88 will be less than projected by the KCMSD. Notwithstanding, the KCMSD has asked the Court to enjoin the tax levy rollback required by R.S. Mo § 164.013 for fiscal year 1988 and to require the State of Missouri to advance KCMSD's portion of the desegregation funding for fiscal years 1987-88 with the understanding that the KCMSD would repay the State when such funds are available.

The Court will defer ruling on this motion until after the August 3, 1987 hearing on the long range capital improvement plan submitted by the parties. However, it is the Court's intention to generate KCMSD's portion of the desegregation funding through imposition of either an earnings tax or a state income tax surcharge.

Accordingly, it is hereby

ORDERED that the Court approves the 1987-88 desegregation budget as set forth in this opinion; and it is further

ORDERED that the State and the KCMSD are jointly and severally liable for the 1987-88 desegregation budget totalling $56,834,225.00 and the State of Missouri and the KCMSD are directed to contribute $42,625,668.00 and $14,208,557.00 respectively; and it is further

ORDERED that the Court defers ruling on the motions of KCMSD and AFT Local 961 regarding funding of estimated budget deficits until after the August 3, 1987 hearing on the long range capital improvements plan; and it is further



ORDERED that the Court has modified its June 16, 1986 and November 12, 1986 orders as set forth in this opinion.

/s/ Russell G. Clark
RUSSELL G. CLARK,
DISTRICT JUDGE
UNITED STATES
DISTRICT COURT

Dated: July 6, 1987

## APPENDIX G

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

No. 77-0420-CV-W-4

KALIMA JENKINS, et al.,
Plaintiffs,

vs.

STATE OF MISSOURI, et al.,
Defendants.

## ORDER

[Filed August 19, 1987]

This case comes before the Court on KCMSD's motion to amend the Court's July 6, 1987 order on the 1987-88 desegregation budget. KCMSD's request for continuation of effective schools funding for the new magnet schools will be granted. KCMSD's request for additional effective schools funding will be denied. KCMSD's request that the Court recognize the cost of relocating students during court ordered capital facilities work at Lincoln Academy and Lincoln South Middle School will be granted. Finally, KCMSD's request for funding of evaluation expenses will be denied.

*Effective Schools Funding*

In its order of July 6, 1987, the Court eliminated effective schools funding for thirteen schools scheduled to become magnets under the long-range magnet school plan in 1987-88. The Court did so because one purpose of the magnet program is to achieve the same goal of increased student achievement sought by the effective schools program. However, after reconsidering the testimony given by Dr. Daniel Levine at the September 16,



1986 hearing on the long-range magnet school plan (Tr. 234-235), the Court finds that the effective schools funding is needed to ensure that the basic curriculum in the magnet schools in equal to that in the nonmagnets. This equality is necessary to attract students from private schools and suburban districts and to provide all students presently in the KCMSD with the strong basic education that they have been unconstitutionally denied. Accordingly, the Court continues effective schools funding in the following amounts for the schools which are scheduled to become magnets under the long-range magnet school plan in 1987-88.

| | |
|---|---|
| Elementary | |
| Longan | $125,000.00 |
| Moore | $100,000.00 |
| Mt. Washington | $100,000.00 |
| North Rock Creek/Korte | $100,000.00 |
| Fairmont | $100,000.00 |
| Sugar Creek | $100,000.00 |
| Middle Schools | |
| New Paseo | $100,000.00 |
| Lincoln South | $ 20,000.00 |
| Bingham | $ 20,000.00 |
| Central | $ 20,000.00 |
| Southeast | $ 20,000.00 |
| High Schools | |
| Northeast | $100,000.00 |
| Total | $905,000.00 |

This additional funding increases the total effective schools budget for 1987-88 to $6,455,000.00. As stated in the Court's

July 6, 1987 order, the State of Missouri and the KCMSD are jointly and severally liable for this amount with contribution between the two constitutional violators to be 75% State and 25% KCMSD.

The KCMSD also moves the Court to reconsider its request for additional funds to finance the central coordination and expansion of the SWAS, DRP, and STEPS programs as part of the effective schools component. The Court finds that funds for the central coordination of these programs is inconsistent with the original purpose of the effective schools program. As the Court stated in its original remedy order of June 14, 1985, the effective schools program is a "bottom up" program in which local school administrators, teachers, and parents determine the needs of their particular school and target the funds accordingly. Therefore, the Court does not recognize as a desegregation expense any funds for the central coordination of these programs.

Regarding the expansion of these programs, the Court acknowledges that the DRP, SWAS, and STEPS programs are innovative educational programs but finds that the KCMSD evaluation reports on these programs do not warrant additional court-ordered funding for their expansion at this time. For the reasons stated, KCMSD's request for an additional $659,919.00 in effective schools funding is denied.

*Relocation Costs*

In its order of July 6, 1987, the Court refused to recognize as a desegregation expense costs incurred by the KCMSD in relocating students while the court ordered capital improvements on the 1986-87 magnets were in progress because the Court had previously approved $480,000.00 for the purchase of classroom modules to house students during the renovations. However, the KCMSD in its present motion has demonstrated that the module classrooms are not sufficient to house the



students at Lincoln Academy while the court ordered improvements are being completed. The KCMSD has decided to temporarily house these students at the Lincoln South Middle School facility which is scheduled to become a math/science magnet in the fall of 1987. The KCMSD presently asks the Court to reconsider approving $454,687.00 to modify the Ashland School as a temporary site for the Lincoln South magnet. The KCMSD has filed an itemized estimate of these expenditures and the Court finds them necessary and their amount reasonable and will recognize them as desegregation expenses. However, because the KCMSD did not present this itemized estimate at the 1987-88 budget hearing, the Court approves them subject to the State's right to challenge the amount of the estimated costs of the relocation. The State of Missouri and the KCMSD are jointly and severally liable for these costs with contribution to be 75% State and 25% KCMSD.

*Evaluation Expenses*

The Court in its July 6, 1987 order denied KCMSD's request for $362,355.00 to fund the evaluation of the desegregation programs because the court simply could not determine whether these programs could be evaluated with current KCMSD staff. The KCMSD hadfailed to provide a breakdown of the resources and personnel available in its current evaluation office. In the present motion, the KCMSD submitted its estimated evaluation budget for 1987-88 and its actual budget for 1984-85, the year prior to the implementation of the initial desegregation programs. Even with this information, the Court is in no position to conclude that the current desegregation programs can not be evaluated with the KCMSD evaluation office as it existed prior to the court ordered desegregation programs. The Court simply refuses to approve additional administrative personnel and resources unless it is shown that they are absolutely necessary. Therefore, KCMSD's request for $137,643.00 to fund an expansion of the evaluation office and $85,000.00 for contracted evaluation services is denied.

In addition, the KCMSD seeks $45,504.00 to update its student evaluation program to an ITBS system. KCMSD is required to conduct student evaluations in its basic educational program and would administer these tests even absent a court ordered desegregation program. Therefore, this expense is to be borne solely by the KCMSD and is not recognized as a desegregation expense.

Accordingly, it is hereby

ORDERED that KCMSD's motion to modify the Court's July 6, 1987 order is granted in part and denied in part as set forth in this order.

/s/ Russell G. Clark
RUSSELL G. CLARK,
DISTRICT JUDGE
UNITED STATES
DISTRICT COURT

Dated: August 19, 1987



**APPENDIX H**

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

No. 77-0420-CV-W-4

KALIMA JENKINS, et al.,
Plaintiffs,

vs.

STATE OF MISSOURI, et al.,
Defendants.

**ORDER**

[Filed: September 15, 1987]

On August 3-6, and 10-12, 1987, this Court conducted a hearing on KCMSD's motion for approval of its long-range capital improvement plan. After careful consideration, the Court approves the plan as modified in this order and orders funding of those projects schedule for completion by the fall of 1990. The KCMSD also submitted for the Court's approval a student transportation plan for the long-range magnet school plan in 1987-88. The State objects to the plan and suggests that a hearing on the plan may be required. The Court will defer ruling on the motion at this time and will give the parties an opportunity to confer in an attempt to reach an agreement on a plan and if necessary to engage in discovery. If a hearing is necessary, it is hereby set to commence on December 14, 1987 at 9:00 a.m. In addition, KCMSD had also moved the Court for funding of its projected operating and desegregation budget deficits through 1987-88. The Court will deny the specific relief requested by the KCMSD but will provide KCMSD with additional resources to fund the share of its known and projected costs of the desegregation plan through 1992. Finally, AFT 691's motion for

alternate funding relief regarding KCMSD teacher salaries will be denied as a specific part of this remedial order as the Court is of the opinion that any salary increase should be left to the discretion of the school board.

Before addressing KCMSD's request for the Court's approval of its long-range capital improvement plan, a brief review of the capital improvements previously ordered by the Court is in order. In its original remedy order of June 14, 1985, the Court approved $37,000, to be applied toward the most critical capital improvement needs of the KCMSD and reserved judgment as to whether additional capital improvements would be needed. *Jenkins* v. *State of Missouri*, 639 F.Supp. 19, 41 (W.D. Mo. 1985). On June 16, 1986, the Court authorized an additional $12,877,330 in capital improvement expenditures for the six schools that became magnets in 1986-87 under the desegregation plan. *Jenkins*, 639 F.Supp. at 53. At that time the Court also ordered the KCMSD to submit a long-range capital improvement plan by January 5, 1987. *Id.*

Next, the Court approved $52,858,301 for capital improvements to eleven KCMSD schools that are to become magnets in the fall of 1987 under the court-ordered long-range magnet school plan. Order of November 12, 1986 at p.5 Most recently, the Court approved $7,376,135 for the purchase and renovation of the Jewish Community Center for use as a temporary performing arts middle school magnet in 1987-88. Order of April 29, 1987 at p.3.

Turning to the matter presently before the Court, the KCMSD has submitted a $265,000,000 long-range capital improvement plan calling for the renovation and construction of approximately 72 schools and six other facilities through the fall of 1996. The Desegregation Monitoring Committee unanimously approved the plan on February 2, 1987. The plaintiffs and AFT 691 are generally in favor of KCMSD's plan. On the contrary, the State strongly opposes the plan and has submitted an alternate



proposal calling for approximately $61,000,000 in renovations to existing KCMSD schools.

The present conditions of the KCMSD schools have been improved by the $37,000,000 in capital improvements undertaken pursuant to the Court's order of June 14, 1985 (testimony of Dr. R. Hunter, KCMSD Exh. 7). This work has primarily been on the exteriors of the school buildings and the surrounding playgrounds which has resulted in making them weatherproof and thus preventing further deterioration. The improved exterior appearance of these schools serves as an increased incentive for parents to enroll their children in the KCMSD. However, the overall condition of the KCMSD school buildings, particularly the interiors, is generally depressing and thus adversely affects the learning environment and continues to discourage parents who might otherwise enroll their children in the KCMSD (testimony of Dr. Hunter, C. Eppes, D. Osbourn, KCMSD Exh. 6).

The KCMSD facilities still have numerous health and safety hazards, educational environment hazards, functional impairments, and appearance impairments (testimony of Dr. Hunter, KCMSD Exh. 6). The specific problems include: inadequate lighting; peeling paint and crumbling plaster on ceilings, walls and corridors; loose tiles, torn floor coverings; odors resulting from unventilated restrooms with rotted, corroded toilet fixtures; noisy classrooms due to lack of adequate acoustical treatment; lack of off street parking and bus loading for parents, teachers and students; lack of appropriate space for many cafeterias, libraries, and classrooms; faulty and antiquated heating and electrical systems; damaged and inoperable lockers; and inadequate fire safety systems (testimony of Dr. Hunter, C. Eppes, D. Osbourn, C. DesMoineaux, KCMSD Exh. 6). The conditions at Paseo High School are such that even the principal stated that he would not send his own child to that facility (testimony of R. Meadows).

Unquestionably, the deterioration of the KCMSD facilities is due to deferred maintenance by the KCMSD. However, as the Court found in its order of November 12, 1986, the State of Missouri by its constitutional violations and subsequent failure to affirmatively act to remove the vestiges of the dual school system certainly contributed to an atmosphere which prevented the KCMSD from raising the funds to maintain its schools. Order at p. 4. Furthermore, the Court has the responsibility of providing the victims of unlawful segregation with the educational facilities that they have been unconstitutionally denied. Therefore, a long-range capital improvement plan aimed at eliminating the substandard conditions present in KCMSD schools is properly a desegregation expense and is crucial to the overall success of the desegregation plan.

*STATES CAPITAL IMPROVEMENT PROPOSAL*

The State of Missouri has submitted a capital improvement plan to remedy what it perceives as the substandard conditions present in the KCMSD (state Exh. 8). The scope of the work contained in the State's plan is estimated to cost $61,074.565, approximately $200,000,000 less than the estimated cost of KCMSD's long-range capital improvement plan. For the following reasons, the Court finds that the State's proposal is unsatisfactory because it fails to remedy the substandard conditions in the KCMSD schools.

First, the State failed to consider the criteria of suburban comparability in evaluating the capital improvements to be made to the KCMSD schools. The Court in its order of June 14, 1985 specifically stated that capital improvements needed to bring KCMSD's facilities to a point comparable with the facilities in the neighboring suburban districts should be reviewed. Notwithstanding, Dr. Robert Bartman, Acting Commissioner of Education for the State of Missouri, instructed its architect, David Pearce, to only estimate the capital improvements necessary to eliminate health and safety hazards and to provide a good



learning environment. Mr. Pearce testified that he compiled his estimates before he visited any suburban schools.

Specifically, the State's proposal does include funds for work needed on the electrical, mechanical, and ventilating systems to meet code requirements. However, the State's proposal does not provide sufficient funds for the updating of those systems to insure that the equipment does not suffer frequent breakdowns (testimony of D. Osbourn, C. DesMoineaux). In addition, the State proposes to paint only those specific areas on walls and ceilings which are repaired (testimony of D. Pearce). With regard to floor coverings, the State proposes to replace only those tiles which are loose or damaged with a new tile of similar color and style. Likewise, only the sections of carpeting which are worn or torn would be replaced under the State's plan. This "patch and repair" approach proposed by the State would not achieve suburban comparability or the visual attractiveness sought by the Court as it would result in floor coverings with unsightly sections of mismatched carpeting and tile, and individual walls possessing different shades of paint.

The Court also questions whether the State has budgeted sufficient funds to perform the limited scope of work that it proposes. For example, the State budgeted only $5,000 for plastering at Paseo High School, unquestionably one of KCMSD's facilities most in need of renovation or reconstruction (testimony of Dr. Hunter, D. Pearce, D. Osbourn). KCMSD has budgeted approximately $211,000 for plastering and $230,000 for interior painting at the same institution.

Other deficiencies in the State's proposal are a lack of funds for acoustical treatment in classrooms, or for floor covering on the bare concrete floors found in many restrooms. Such covering would eliminate one of the primary causes of the stench in these toilet areas (testimony of D. Osbourn). Furthermore, the State's proposal only provides handicap access to one level of each KCMSD school, thereby restricting handicapped students' ac-

cess to many of the facilities and special programs offered by the KCMSD (testimony of C. Eppes). The State does not provide any funds for locker repair despite testimony by its own architect that many of the lockers are damaged, rusted, and missing doors. The State's plan does not include funding to reconfigure spaces within the KCMSD schools to provide adequate classrooms, library, cafeteria, and administrative areas.

The Court also notes that the State failed to estimate the cost necessary to provide magnet facilities needed to implement the long-range magnet school plan approved by the Court on November 12, 1986. The State argues that the broad contours of the magnet relief ordered are uncertain at best and suggests that the Court "reserve judgment on magnet related projects to a time when the scope of the magnet relief is more certain." State's Alternative Proposals Concerning Remaining Capital Improvements Funding for KCMSD, 6/3/87 pp. 29-30. The Court is certainly not surprised by the State's "wait and see" position but finds that such an approach would seriously damage the prospects of true desegregation in the KCMSD. The magnet plan is working as evidenced by the large number of applications for the magnet programs from students new to the KCMSD, and this Court is committed to its full implementation and will order the construction of the magnet facilities as part of the long-range capital improvement plan.

In conclusion, if the KCMSD schools underwent the limited renovation proposed by the State, the schools would continue to be unattractive and substandard, and would certainly serve as a deterrent to parents considering enrolling their children in KCMSD schools. Therefore, the Court rejects the State's plan and will next consider the long-range plan submitted by the KCMSD.



*KCMSD'S LONG-RANGE CAPITAL IMPROVEMENT PLAN*

The KCMSD has submitted for the Court's approval a long-range capital improvement plan which calls for the renovation of approximately 55 schools, the closure of 18 facilities, and the construction of 17 new schools by the fall of 1996. However, the KCMSD is presently seeking funding for only that portion of the plan which is scheduled for completion by the fall of 1990. KCMSD estimates the cost of these renovations and new facilities at $194,328,578.

The KCMSD employed three architectural firms to review all its school facilities and determine what work was necessary to renovate the buildings. These architects applied the criteria set forth by the Court in estimating the scope of the work required to remedy the deteriorating conditions that exist in the KCMSD as a result of unlawful segregation. The result of their evaluations are contained in the 1985 capital improvement study (KCMSD Exh. 23). These architects have amended these estimates to reflect work which has been completed, or will be completed pursuant to previous court orders and to reflect inflation (KCMSD Exh. 13, 14, 15 and 18). These renovations will eliminate the existing health and safety hazards identified by the Court and will correct the conditions which impede the level of comfort needed for the creation of a good learning environment. Equally important, these renovations proposed by the KCMSD, unlike those contained in the State's plan, will make the KCMSD visually attractive and reasonably comparable to the suburban Kansas City, Missouri schools (testimony of Dr. Hunter, D. Osbourn, C. Eppes). The remedy proposed by the KCMSD is not a "patch and repair" approach, but rather a comprehensive plan to restore KCMSD school facilities to an environment in which children can learn. The Court finds that the capital improvements proposed by the KCMSD to eliminate health and safety hazards and to improve the visual attractiveness and comfort level of the KCMSD schools are necessary and that their costs are reasonable.

The remaining portions of KCMSD's long-range capital improvement plan primarily consist of the expansion of existing facilities and the construction of new facilities. Before addressing these specific proposals, the Court must first review the enrollment projections on which KCMSD's long-range capital improvement plan is based.

The Court acknowledges that it is very difficult to predict what the enrollment will be in the KCMSD over the next ten years. Student enrollment in the KCMSD declined from 70,756 students in 1970-71 to 39,078 students in 1980-81 (KCMSD Exh. 19). Enrollment has continued to decline since 1980-81 but at a lesser rate with signs of a leveling off. If approved, the KCMSD long-range capital improvement plan will produce capacity for 44,890 by 1995, with a capacity of 22,183 in the elementary schools, 10,499 in the middle schools, and 12,210 in the high schools (testimony of Dr. Hunter, KCMSD Exhs. 13, 14 and 15). This plan provides capacity for an enrollment greater than the enrollments projected by the State of Missouri and the KCMSD using the cohort survival method which is based on the presumption that past enrollment trends will continue (state Exh. 19, KCMSD Exh. 24 at Tab A, Appendix 1, Table 26). However, the Court finds that the long-range capital improvement plan should not be based upon this presumption because it is very likely that enrollment in the KCMSD will increase due to the court-ordered upgrading of the regular school curriculum, the implementation of the long-range magnet school plan, and the improvements in capital facilities which have been completed and which will be made as a result of this order.

Because of the inadequacy of the cohort survival enrollment projection, Dr. Hunter, the educational expert who developed the long-range capital improvement plan, requested the Mid-America Regional Council to estimate the future enrollment of the KCMSD using a "capture rate" analysis. The capture rate is simply the percentage of students who live in the KCMSD who



actually attend KCMSD schools. The study concluded that if the capture rate attained by the KCMSD in 1970 were reachieved in 1995, the student population would total 47,898 (testimony of Dr. Hunter, KCMSD Exh. 24 at Tab A. KCMSD Exh. 19). The Court finds that this estimate is more accurate than that calculated using the cohort survival method and yet KCMSD's plan is conservative because it does not provide for all the capacity necessary to accommodate a 1995 enrollment based on the 1970 capture rate. Therefore, the Court finds that KCMSD's long-range capital improvement plan is based upon appropriate enrollment projections and will now address the expansions and new construction proposed in the plan.

KCMSD's proposal provides funds for the expansion of certain classrooms, learning resource centers, cafeterias, art and music rooms, and administrative areas. Dr. Hunter testified that these facilities were deficient in size and prepared specifications for standard facilities needed to house adequate educational programs (KCMSD Exhs. 2, 3 and 4). His recommendations are comparable to those made by the Missouri State Department of Elementary and Secondary Education (KCMSD Exh. 11). Furthermore, Dr. Hunter's recommendations were made only after he had visited each of the KCMSD schools and eleven of the suburban schools (testimony of Dr. Hunter). The Court finds that the expansion of these facilities is necessary to provide a good learning environment and that the costs of such expenditures are reasonable.

KCMSD's proposal also includes funding for the construction of specialized facilities needed for implementation of the long-range magnet school plan approved by the Court. Phale Hale, a magnet school expert who coauthored the long-range magnet school plan approved by the Court, developed the facilities requirements for the long-range magnet school plan (KCMSD Exh. 5). These improvements are in addition to the approximately $53,000,000 in capital improvements approved by the

Court for the schools scheduled to become magnets in 1987. The magnet school plan is crucial to the success of the Court's total desegregation plan and the KCMSD cannot effectively implement the magnet programs without special facilities. The question before the Court is whether the improvements proposed are necessary to carry out the magnet programs approved by the Court.

One example is the Kansas City Technical Center, a four year vocational and technical magnet high school which is designed to prepare students upon graduation to either enter college, obtain entry level employment, or both. This magnet will offer programs ranging from heating and air conditioning to cosmetology to robotics. Consequently, these programs require special equipment and spacious work areas in which to instruct the students. The estimated cost for Kansas City Tech is $13,278,603, which also includes funds for an expanded cafeteria, athletic facilities, and other facilities essential for the operation of a regular high school. The Court finds that all of the facilities proposed for the Kansas City Technical Center and all the special facilities requested for the other magnet programs are necessary to implement the long-range plan and that the estimated costs of these additional facilities are reasonable.

The long-range capital improvement plan also calls for the closure of eighteen KCMSD school facilities, 15 of which are currently operating as schools, and the construction of seventeen new schools, the last of which is a new middle school III scheduled for completion by the fall of 1993. The criteria used by the KCMSD to determine whether to renovate a school or build a new facility was that buildings with renovation costs of $45 per square foot or more should be replaced (testimony of Dr. Hunter). The estimated cost of construction of the new schools ranges from $61.80 per square foot for middle schools I and III to $95.70 per square foot for the new Attucks Elementary School. Both the architects for the KCMSD and the State of



Missouri stated that buildings with renovation costs of more than 50% of the cost of new construction are candidates for replacement (testimony of D. Osbourn, D. Pearce).

The most expensive of the proposed new constructions is Paseo High School at an estimated cost of $13,991,375, excluding architectural fees and inflation (KCMSD Exh. 15). The renovation of the existing facility which includes the addition of special magnet facilities would cost an estimated $8,033,100 (KCMSD Exh. 15). The Court finds that it would be imprudent to renovate Paseo High School rather than build a new facility because both the architects for the KCMSD and the State stated that Paseo High School is near the end of its useful life (testimony of D. Osbourn, D. Pearce). In addition, it is essential to the success of the magnet school plan that Paseo High School be one of the most attractive magnet programs because it is located in an area which is considered difficult to desegregate (testimony of Dr. Hunter). Therefore, the Court approves the construction of a new Paseo High School and the sixteen other new facilities proposed in the long-range capital improvement plan. However, the Court approves funding of only those facilities scheduled for completion by the fall of 1990, and reserves final judgment on the remaining schools until a time when more current enrollment figures are available.

The Court also approves the closure of Attucks, Faxon, Gladstone, Greenwood, Holmes, Knots, Kumpf, Manchester, Pershing, Pitcher, Switser, Thatcher, Willard, Woodland, Linwood West, and Norman Elementary Schools. The Court will not establish closing dates at this time so that these schools may be used to house students while other facilities are being renovated or constructed under the long-range capital improvement plan.

KCMSD's plan also requests funding for the renovation of East Stadium, Southeast High Stadium and Arena, the Norman Administrative Center, Linwood, and Linwood West. The Court

finds that these additional facilities are in need of renovation but finds that the 8% amount allotted for architectural and engineering fees, which is included in the total cost of their renovation, is excessive. The State's expert David Pearce testified that 6% is a customary architectural fee in school capital improvement projects. Therefore, the Court approves these renovations but in a lesser amount to reflect architectural fees of 6%. Similarly, the Court will only approve a 6% architectural fee for all the other renovations and new constructions approved by the Court as part of the long-range capital improvement plan.

In addition, the KCMSD did not present any evidence regarding its request for a furniture budget for schools to be removed under the plan and for schools previously renovated. The Court simply cannot consider such requests without knowing the quantity and quality of the furniture that is presently available in the KCMSD.

The KCMSD has adjusted the estimated costs of its long-range capital improvement plan by 5% a year to reflect inflation. The Court finds that this percentage is reasonable and will apply it to the estimated costs of the plan as modified by this Court.

Finally, the KCMSD has also requested funding for a project management team which would oversee the implementation of the long-range capital improvement plan. The team, a joint venture of J.E. Dunn Construction Company and the Allied Companies, would utilize the architects, engineers and other specialists from these four firms in acting as KCMSD's agent in supervising the architects and contractors who are hired to perform the renovations and new construction set forth in the plan. In addition, the project management team will provide other professional services including project scheduling, cost control, quality control, and site selection (testimony of Robert Barrett, KCMSD Exh. 22). The KCMSD has negotiated a contract, pending this Court's approval, with this project management team which provides that the team will receive compen-



sation of $12,750,000 or 4% of the total capital improvements program expenditures for phases IV through VIII of the capital improvements program, whichever is less (KCMSD Exh. 22).

The Court finds that it is not feasible for the KCMSD to manage internally a program of the magnitude of the proposed long-range capital improvement plan. It is essential that the renovations and construction are completed on schedule and at costs within the budget approved by the Court. The Court finds that the project management team is necessary to effectively implement the plan and the Court is confident that the team will effect cost savings considerably more than the cost of the project management team. Accordingly, the Court approves the contract entered into between the KCMSD and the project management team (KCMSD Exh. 22) but approves the budget for the supervision and planning for only the first three years of the long-range capital improvement plan.

For the reasons set forth, the Court approves KCMSD's long-range capital improvement plan as modified in this order and orders the funding of those projects scheduled for completion by the fall of 1990 in accordance with Attachment A.

The plan approved by the Court does not include costs of acquiring or preparing sites for the new facilities. In addition, the Court acknowledges that the KCMSD will incur additional costs in relocating students while the approved capital improvements are completed. Accordingly, KCMSD is directed to submit these costs to the Court for approval and funding as son as they become known.

The total amount of funding approved by the Court for those projects scheduled for completion by the fall of 1990 is $187,450,334. The State of Missouri and the KCMSD are jointly and severally liable for this amount with contribution between the two constitutional violators to be $93,725,167 each.

These capital improvements will have a service life of at least 30 to 50 years and the KCMSD will continue to benefit from them long after the hopeful success of the desegregation plan has been realized. For this reason the Court departs from the 3 to 1 apportionment generally set forth in previous remedial orders.

### *KCMSD'S 1987-88 MAGNET SCHOOL TRANSPORTATION PLAN*

Also before the Court is KCMSD's motion for approval and funding of the 1987-88 incremental transportation costs attributable to the long-range magnet school plan ordered by the Court. KCMSD states that in 1986-87 it expended $1.4 Million to transport students to the three magnet programs at the Lincoln College Preparatory, the Southwest Cluster, and the Westport Community Applied Learning Magnet. KCMSD projects that the implementation of the 13 new magnet programs in 1987-88 will increase the total transportation costs for the magnet schools to $4,490,836. However, approximately $2.2 Million of this amount represents the cost that would have been incurred in operating traditional transportation routes at these schools even if there had been no magnet school program. Thus, KCMSD requests the Court to order the State to pay 75% of the remaining $2,294,075 cost of transportation required by the magnet program.

In response, the State requests that the plan be denied in its entirety or in the alternative that a hearing should be held at a future date to allow adequate discovery as to how and by whom the plan was developed and whether it is adequate and cost effective. As stated earlier, the parties should confer and see if they can reach an agreement on a plan. If needed, the parties may engage in discovery and if necessary a hearing will be held during the week of December 14, 1987. The KCMSD may implement the plan if it desires with the understanding that the Court has not approved the plan or ordered the State to fund any



portion of the plan over and above the regular State aid under the standard formula.

### *KCMSD'S MOTION FOR FUNDING RELIEF*

In its order of July 6, 1987, the Court deferred ruling on KCMSD's motion for funding relief until after the Court had ruled on the long-range capital improvement plan. The Court did so because it wanted an accurate estimate of not only KCMSD's deficit through fiscal year 1987-88, but also KCMSD's financial obligations under the overall desegregation plan through 1991-92.

Before setting forth the financial obligations of the KCMSD under the remedial plan, the Court must correct its order of July 6, 1987 which approved the year 3 desegregation budget. The Court, pursuant to the request of the KCMSD, included the 1987-88 implementation cost of the long-range magnet school plan in the 1987-88 desegregation budget. The total implementation cost for the 1987-88 magnets is $17,137,993, of which $13,946,729 was previously approved by the Court in its order of November 12,1986. In that previous order, the Court found the State of Missouri and the KCMSD jointly and severally liable for $8,908,406 of this amount, with the State solely liable for $5,038,323. This apportionment of liability for the $13,946,729 remains unchanged as will the Court's apportionment for the remaining implementation costs approved in the November 12, 1986 order. While the Court's apportionment for the KCMSD is more than 25% in year 1987-88 under the November 12, 1986 order, the percentage of liability of the implementation costs decreases to approximately 13% in 1991-92 under the plan. The KCMSD's total portion of the implementation costs and capital expenditures for the long-range magnet school plan approved in the November 12, 1986 order is approximately 25%, and thus is consistent with the Court's previous orders.

Therefore, in determining KCMSD's contribution to the year 3 desegregation budget, the Court mistakenly applied 25% to the entire 1987-88 implementation cost of the long-range magnets when the liability for $13,946,729 of that amount had already been apportioned. The 25% should only have been applied to the $3,191,264 in additional magnet base costs that the Court approved in its July 6, 1987 order. Therefore, the Court corrects page 12 of the order to reflect the following apportionment:



**1987-88 Desegregation Budget**

| | Total | KCMSD'S Contribution | State's Contribution |
|---|---|---|---|
| Public Information | 30,000.00 | 7,500.00 | 22,500.00 |
| Desegregation Monitoring Office | -0- | | |
| Program Evaluation | -0- | | |
| Desegregation Monitoring Committee | 256,228.00 | 64,057.00 | 192,171.00 |
| Effective Schools | 6,555,000.00 | 1,638,750.00 | 4,916,250.00 |
| Reduction in Class Sizes Total | 8,450,135.00 | 2,112,534.00 | 6,337,601.00 |
| Summer School | 1,295,764.00 | 323,941.00 | 971,823.00 |
| Full Day Kindergarten | 1,826,964.00 | 456,741.00 | 1,370,223.00 |
| Before and After School Tutoring | 233,759.00 | 58,440.00 | 175,319.00 |
| Early Childhood Education | 3,102,178.00 | 775,545.00 | 2,326,633.00 |
| Long-Range Magnet School Plans | 17,137,993.00 | 5,252,019.00 | 11,885,974.00 |
| 1986-87 Magnets | 12,257,529.00 | 3,064,383.00 | 9,193,147.00 |
| AAA Achievement | 6,340,614.00 | 1,585,154.00 | 4,755,460.00 |
| SWAS, DRP and STEPS | -0- | | |
| Facilities Improvements (interest) | 353,061.00 | 88,265.00 | 264,796.00 |
| Totals | 57,839,225.00 | 15,427,329.00 | $42,411,897.00 |

In calculating the financial obligations of the KCMSD under the Court's overall plan for which the district lacks funding, the Court finds that the KCMSD suffered a deficit of $1,092,365 in 1986-87 in implementing the long-range magnet school plan based on its obligation of $4,158,136 and expenditures of $3,065,771. In addition, the Court approved a total of $60,234,436 in capital improvements for the long-range magnet plan in its orders of November 12, 1986 and April 29, 1987, with KCMSD's share set at $30,117,218. KCMSD has currently expended $3,027,413 for these improvements in 1986-87 but is without revenues to fund the balance of its share of these capital improvements, or $27,089,805.

For fiscal year 1987-88, KCMSD projects an operating budget of $121,342,253 and total revenues of $110,558,418, creating a deficit of $10,783,835. Included in the operating budget is approximately $7.15 Million for additional teachers and for salary increases for present teachers, $2,240,000 for facilities maintenance, and $869,189 for special education students. The AFT 691 has moved the Court to order a teacher's salary schedule larger than that included in the KCMSD 1987-88 operating budget.

The Court finds that the KCMSD has an obligation not only to eliminate the effects of unlawful segregation but also to insure that there is no diminution in the quality of its regular academic program. *Bradley* v. *Milliken*, 540 F.2d 229, 245 (6th Cir. 1976), *aff'd*, 433 U.S. 267 (1977), *citing Hart* v. *Community School of Brooklyn*, 383 F.Supp. 699, 741 (E.D. N.Y. 1974), *aff'd*, 512 F.2d 37 (2d Cir. 1975). Therefore, it is essential that the KCMSD have sufficient revenues to fund an operating budget which can provide quality education, including a high quality faculty. The Court is quite aware that the KCMSD's teacher salary position, in comparison with the surrounding school districts, has deteriorated significantly because of KCMSD's failure to obtain passage of a tax levy to fund teacher salary raises. Consequently,



KCMSD's ability to attract new teachers and retain present teachers has been restricted. While the revised salary schedule proposed by the KCMSD would not equal those in suburban districts, it will certainly make the KCMSD more attractive to new teachers and more pleasing to its present teachers. As stated at the beginning of the order, the Court will not order either of the salary proposals submitted by the KCMSD and AFT 691 because this decision properly lies within the discretion of the school board. However, the Court will provide KCMSD with revenues of $7.147 Million per fiscal year through 1991-92 to fund teacher salary increases, and revenues of $3,109,189 per year to fund the costs of facilities maintenance and special education students.

The KCMSD is also without resources to finance its portion of the 1987-88 desegregation budget, $15,427,329, which includes the 1987-88 implementation cost of the long-range magnet school plan. In addition, the KCMSD is without the funds to pay its proposed share of the 1987-88 transportation costs of the magnet plan, estimated by it to be $573,518. KCMSD is also obligated in 1987-88 to fund $6,069,801 in capital improvements pursuant to the long-range capital improvement plan approved by the Court. Finally, the Court estimates that site selection and student relocation costs associated with the long-range capital improvement plan will be approximately $4 Million per year, with KCMSD's portion to be $2 Million per year (affidavit of Roger Gaunt). In summation, the KCMSD has financial obligations under the Court's overall desegregation plan for 1986-87 and 1987-88 of $62,509,653 for which it lacks resources to fund.

In fiscal year 1988-89, the KCMSD is obligated to fund an estimated $4,454,203 for implementation of the long-range magnet school plan and $27,399,873 in capital improvements pursuant to the long-range capital improvement plan. The Court projects that KCMSD's portion of the magnet school transpor-

tation costs for each of the next four fiscal years will be $573,518. The Court also projects that the KCMSD will have an operating budget deficit of $10,256,835 for fiscal years 1988-89 through 1991-92 due to expenditures needed for teacher salary increases, facilities maintenance, and special education students. In addition, the Court estimates that the 1988-89, 1989-90, 1990-91, and 1991-92 desegregation budgets at approximately $44,000,000 per fiscal year, excluding the long-range magnet costs approved by the Court in its November 12, 1986 order, because of the continuing cost of the remedial programs previously ordered by the Court. Therefore, the Court finds that the KCMSD will experience a deficit of approximately $11,000,000, or 25% of the desegregation budget, in each of those fiscal years. In summation, the Court projects a total deficit of $53,684,429 for the KCMSD for 1988-89.

Similarly in 1989-90, the Court projects that the KCMSD will experience a deficit of $5,027,721 in long-range magnet costs, $63,555,647 in capital improvement costs, $10,256,835 in operating budget, and $11,000,000 in desegregation budget, totaling $89,840,203. Using the same method of calculation, the projected deficits for years 1990-91, and 1991-92 are $42,543,837 and $33,823,793 respectively, bringing the total deficit to $282,401,915. A summary of the KCMSD's known and projected obligations through 1991-92 under the Court's desegregation plan is set forth in Attachment B.

In its motion for funding relief, the KCMSD requested the Court to enjoin the rollback in the real estate tax levy otherwise required under Proposition C (R.S. Mo. § 163.050 and 164.013). The KCMSD also requested the Court to order the State of Missouri to advance to it funds for its desegregation and operation expenses that it is unable to fund. The KCMSD would then repay the State when resources were available.

The Court will not require the State of Missouri to fund any of KCMSD's financial obligations under the court-ordered desegregation programs. However, the United States Court of Appeals for the Eighth Circuit stated clearly that the desegregation remedy ordered by this Court shall be fully funded. *Jenkins* v. *State of Missouri*, 807 F.2d 657, 686 (8th Cir. 1986), and has discussed in detail the procedure the district court is to follow in achieving this goal. *Liddell* v. *State of Missouri*, 731 F.2d 1294, 1319-23 (8th Cir. 1984).



The record clearly shows that the KCMSD is unable with its present resources to raise revenues to fund its share of the costs assessed under the desegregation orders. The KCMSD has exhausted all available means of raising additional revenue, including presenting a bond issue in 1987 and tax levy increase proposals to the voters in four separate elections in 1986 and 1987. The KCMSD has not had a bond passage or a levy increase since 1969. As a result, its physical facilities have literally rotted.

Because of KCMSD's inability to raise additional funds under the present system, the Court encouraged the Missouri General Assembly to "explore the possibility of enacting legislation that would permit a district involved in a desegregation plan more versatility than it presently has to raise funds with which to support the program." November 12, 1986 Order at p. 7. Such legislation was introduced but was received unfavorably and ultimately failed. In addition, the State of Missouri and the KCMSD have been unable to agree on an alternate method of raising KCMSD's share of the desegregation costs. Therefore, the Court has explored all the alternatives set forth by the Eighth Circuit and is left with no choice but to exercise its broad equitable powers and enter a judgment that will enable the KCMSD to raise its share of the cost of the plan and therefore insure that the constitutional violations committed by the KCMSD and the State of Missouri are cured.

The United States Court of Appeals for the Eighth Circuit has stated that such relief may only be granted after the Court has

conducted an evidentiary hearing. *Liddell* v. *State of Missouri*, 731 F.2d 1294, 1323 (8th Cir. 1984). However, the plaintiffs, the KCMSD, and the State of Missouri have stated that they do not request an evidentiary hearing on this issue, and consent to the Court's entry of a judgment based on the record developed in this case.

A district court's broad equitable power to remedy the evils of segregation includes the power to order tax increases and bond issuances. *Liddell* v. *State of Missouri*, 731 F.2d at 1322. The United States Supreme Court has stated that a tax may be increased if "necessary to raise funds adequate to . . . operate and maintain without racial discrimination a public school system." *Griffin* v. *School Board of Prince Edward County*, 377 U.S. 218, 233, 84 S.Ct. 1226, 12 L.Ed.2d 256 (1964).

A studied estimate of the additional revenues needed by the KCMSD to meet its share of the desegregation costs during the next five years reveals the sum of approximately $150,000,000 for capital improvements and $135,000,000 for other desegregation costs.

In its order of June 14, 1985, this Court stated that it was reluctant to take any action to increase taxes. The Court now affirms the statement made in its order of August 25, 1986 that it is not insensitive to the fact that those patrons of the KCMSD who voted in previous elections have refused to approve a tax levy increase and a bond issue. However, a majority has no right to deny others the constitutional guarantees to which they are entitled. This Court, having found that vestiges of unconstitutional discrimination still exist in the KCMSD, is not so callous as to accept the proposition that it is helpless to enforce a remedy to correct the past violations. Failure of the KCMSD to come forward with its share of funds to implement the remedial plan would certainly operate to hinder vindication of federal constitutional guarantees to which the school children in the KCMSD are entitled. This Court cannot shrink its sworn duty to uphold the Constitution of the United States (p. 4). The Court must weigh the constitutional rights of the taxpayers against the



constitutional rights of plaintiff students in this case. The Court is of the opinion that the balance is clearly in favor of the students who are helpless without the aid of this Court.

The Court is of the firm conclusion that it has no alternative but to impose tax measures which will enable KCMSD to meet its share of the cost of the desegregation plan. At the Court's request the parties have submitted estimates on revenues which would be generated through various tax measures.

The plaintiffs have moved the Court to require KCMSD to issue $144,175,000 in general obligation bonds, to add a $1.73 property tax levy in the KCMSD, and to impose a 1/2% sales tax effective January 1, 1989 within the KCMSD to permit KCMSD to fund its share of the costs of the desegregation orders.

During the hearing on the liability issue in this case there was an abundance of evidence that many residents of the KCMSD left the district and moved to the suburbs because of the district's efforts to integrate its schools but continue to be employed in the district. After careful consideration, the Court has determined that it would be equitable to involve these people in a plan to help defray the district's desegregation expense.

The Court will impose a 1.5% increase as a surcharge on the Missouri State Income Tax (raising the present rate on individuals from 6% to 7.5%) on residents and nonresidents of the KCMSD, including business associations, partnerships and corporations who earn salaries, wages, commissions and all other compensation and income subject to the Missouri State Income Tax for work done, services rendered and business or other activities conducted within the KCMSD. This surcharge shall become effective for all income earned after September 25, 1987. All employers and persons presently legally responsible for withholding the Missouri State Income Tax shall have the same responsibility for withholding the 1.5% increase. The State through its Department of Revenue shall collect the in-

creased tax and remit it to the KCMSD within thirty days after its receipt of same. KCMSD shall promptly prepare and publish a legal notice of this income tax increase (surcharge) giving notice to all employers within the district and to all persons and entities who receive an income for activities performed within the district.

Revenue generated by the income tax surcharge shall be used to retire capital improvement bonds which are herein authorized. It is anticipated that the surcharge will create sufficient revenue for the KCMSD to meet its portion of the cost of the capital improvement plan. The surcharge shall remain in effect until such time as the bonds are retired or until other provisions are adopted to insure their retirement.

The KCMSD presently has a tax levy of $2.05 per $100.00 assessed valuation. This is much less than the tax levy of any neighboring school district. In order to fund the other desegregation costs other than capital improvements for which it is obligated the district needs approximately $27,000,000 additional per year through the 1991-92 school year. A property tax increase of $1.95 per $100 assessed valuation would generate about $27,000,000 annually. Therefore, the Court will order the property tax levy to be increased to $4.00 per $100 assessed valuation through the 1991-92 fiscal year.

The KCMSD is directed to issue capital improvement bonds in the total amount of $150,000,000 to be retired within 20 years from the date of issue. The board is authorized to issue credit enhanced leasehold revenue bonds and general obligation bonds in such proportion as the school board, in its discretion, determines to be most advantageous to the district.

In accordance with the foregoing memorandum, it is

ORDERED that the motion of the KCMSD for the approval of its capital improvement plan is approved as modified herein; and it is further



ORDERED that the motion of the KCMSD for approval of its student transportation plan for the long-range magnet school plan is deferred and if a hearing is necessary on the plan it is set to commence on Monday, December 14, 1987 at 9:00 a.m.; and it is further

ORDERED that the motion of AFT 691 for alternate funding relief regarding the salaries of the KCMSD teachers is denied; and it is further

ORDERED that the motion of KCMSD for funding relief is granted in part in that it is ordered that in order to fund the obligation of the KCMSD for the desegregation program, a surtax of 1.5% is added to the Missouri State Income Tax for all persons and entities receiving income for work done, services rendered, and income received from activities within the KCMSD and the tax levy for the KCMSD is raised to $4.00 per $100 assessed valuation; and it is further

ORDERED that said increased revenue shall be applied to satisfy the obligations of the KCMSD as set forth in this memorandum.

/s/ Russell G. Clark
RUSSELL G. CLARK,
DISTRICT JUDGE
UNITED STATES
DISTRICT COURT

Dated: September 15, 1987

# ATTACHMENT A

## Long Range Capital Improvement Plan Funding Order (1987-90)

| Construction Phase (Date of Completion) | Work Required | Cost |
|---|---|---|
| Phase V | | |
| Southeast Annex (Fall, 1988) | R | $888,087 |
| Longfellow (Fall, 1988) | MI | 352,110 |
| Melcher (Fall, 1988) | MI | 1,393,680 |
| Meservey (Fall, 1988) | MI | 395,600 |
| N. Rock Creek/Korte (Fall, 1988) | MI | 1,751,403 |
| | | 154,011 |
| Phillips (Fall, 1988) | MI | 445,200 |
| Southwest Senior High (Fall, 1989) | MI-R | 8,882,817 |
| New Faxon Elementary (Fall, 1989) | NC | 3,946,460 |
| Phase VI | | |
| New Knotts Elementary (Fall, 1989) | NC | 4,020,620 |
| New Attucks Elementary (Fall, 1989) | NC | 4,031,300 |
| King Middle (Fall, 1989) | MI-R | 828,639 |
| New Pitcher Elementary (Fall, 1988) | NC | 5,527,010 |
| New Northeast Elementary (Fall, 1989) | NC | 4.580,000 |
| New Southeast I Elementary (Fall, 1989) | NC | 5,621,000 |
| Nowlin Middle (Fall, 1989) | MI | 2,484,290 |
| Paseo High (Fall, 1990) | NC | 13,991,375 |
| Three Trails (Fall 1989) | MI | 1,119,773 |
| K.C. Tech (Fall, 1990) | MI-R | 13,278,603 |
| Troost (Fall, 1989) | MI-R | 2,283,073 |
| Wheatley (Fall, 1989) | MI | 1,265,154 |
| Middle School I (Spring, 1990) | | 6,705,000 |



| | | |
|---|---|---|
| Garfield (Fall, 1989) | MI-R | 3,899,110 |
| Weeks (Fall, 1989) | MI-R | 645,300 |
| Phase VII | | |
| New Southeast II Elementary (Fall, 1990) | NC | 4,545,000 |
| New Southeast III Elementary (Fall, 1990) | NC | 5,530,500 |
| New Elementary I (Fall, 1990) | NC | 4,427,000 |
| New Elementary II (Fall, 1990) | NC | 3,870,000 |
| New Elementary III (Fall, 1990) | NC | 3,870,000 |
| East High (Fall, 1990) | MI-R | 6,706,704 |
| Northeast Middle (Fall, 1990) | MI-R | 6,899,162 |
| Richardson (Fall, 1990) | MI-R | 1,250,645 |
| Southeast High (Fall, 1990) | MI-R | 6,128,250 |
| Van Horn High (Fall, 1990) | MI-R | 5,868,580 |
| Westport Middle (Fall, 1990) | MI-R | 4,766,303 |
| Westport High (Fall, 1990) | MI-R | 6,759,951 |
| Meservey (Fall, 1990) | R | 732,103 |
| Phase VII (other facilities) | | |
| East Stadium (Fall, 1990) | R | 401,020 |
| Southeast High - Stadium and Arena (Fall, 1990) | R | 438,320 |
| Linwood (Fall, 1990) | R | 792,984 |
| Linwood West (Office Space) (Fall, 1990) | R | 970,122 |
| Norman Administrative Center (Fall, 1990) | R | 3.062.057 |
| | | $155,468,316 Total Cost |
| | | 9,328,098 Architect Fees |
| | | 21,254,230 Inflation |
| | | 1,399,690 Construction Planning 1987-90 |
| | | $187,450,884 Total Projected Cost |

Key: R - Renovation
MI - Magnet Improvement
NC - New Construction

## ATTACHMENT B

| | 1986-88 | 1988-89 | 1989-90 | 1990-91 | 1991-92 | TOTAL 1986-92 |
|---|---|---|---|---|---|---|
| CAPITAL IMPROVEMENTS | 33,159,606 | 25,399,873 | 61,555,647 | 14,259,281 | 5,539,237 | 139,913,644 |
| Projected Costs of Site Selection/ Student Relocation associated with the Long-Range Capital Plan | 2,000,000 | 2,000,000 | 2,000,000 | 2,000,000 | 2,000,000 | 10,000,000 |
| Subtotal | 35,159,606 | 27,399,873 | 63,555,647 | 16,259,281 | 7,539,237 | 149,913,644 |
| DESEGREGATION EXPENSES | | | | | | |
| Desegregation Budget Deficit | 16,519,694 | 11,000,000 | 11,000,000 | 11,000,000 | 11,000,000 | 60,519,694 |
| Projected Magnet Transportatin Costs | 573,518 | 573,518 | 573,518 | 573,518 | 573,518 | 2,867,590 |
| Magnet Implementation Costs | included in Deseg. Bud. Deficit | 4,454,203 | 4,454,203 | 4,454,203 | 4,454,203 | 17,816,812 |
| Subtotal | 17,093,212 | 16,027,721 | 16,027,721 | 16,027,721 | 16,027,721 | 81,204,096 |
| OPERATING BUDGET DEFICIT | | | | | | |
| Teacher Salary Package | 7,147,646 | 7,147,646 | 7,147,646 | 7,147,646 | 7,147,646 | 35,738,230 |
| Maintenance | 2,240,000 | 2,240,000 | 2,240,000 | 2,240,000 | 2,240,000 | 11,200,000 |
| Special Edication Students | 869,189 | 869,189 | 869,189 | 869,189 | 869,189 | 4,345,945 |
| Subtotal | 10,256,835 | 10,256,835 | 10,256,835 | 10,256,835 | 10,256,835 | 51,284,175 |
| TOTAL | 62,509,653 | 53,684,429 | 89,840,203 | 42,543,837 | 33,823,793 | 282,401,915 |





## APPENDIX I

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

No. 77-0420-CV-W-4

KALIMA JENKINS, et al.,
Plaintiffs,

vs.

STATE OF MISSOURI, et al.,
Defendants.

**ORDER**

[Filed July 25, 1988]

On May 31, June 1, and June 2, 1988, the Court conducted a hearing on KCMSD's motion for approval of the desegregation budget for years 4 through 6 of the desegregation plan. Plaintiffs also moved for the approval of three additional programs for year 4. In addition, the parties filed lengthy post-trial briefs in support and in opposition to the submitted budgets. Based upon the evidence presented at the hearing and the post-trial briefs, the Court will approve a modified budget for years 4 through 6 of the desegregation plan as set forth in this order.

*District Communications*

The Court has approved a public information budget of $30,000 for each of the first years of the desegregation plan. The KCMSD requests funding of $30,350 for 1988-89, and $30,725 for 1989-90, the slight increases needed for additional supplies. The Court finds that these costs are reasonable and approves the submitted budgets for years 1988-89 and 1989-90. The KCMSD requests funding of $45,077 for year 1990-91, $13,952 of which is for salaries for three student interns who would work in the

communications office in conjunction with the Westport Communications Magnet that is scheduled to open in the fall of 1990. This program is similar to the traditional COE programs available to KCMSD high school students except that the proposed interns would be paid by the KCMSD out of desegregation funds, rather than by a local business. The Court finds that the internship program is simply not a necessary cost of the district communications office and thus will not be approved. As a result, the Court approves a budget for 1990-91 of $31,125, which includes a slight increase for additional supplies.

*Research and Evaluation*

The KCMSD requests funding of $89,980 in 1988-89 for the purchase of a new computer system to evaluate the court-ordered desegregation programs. Dr. Paul Holmes, KCMSD director of research, evaluation and testing, testified that the data generated for the evaluation of the magnet schools and the other desegregation programs exceeds the memory capacity of the current system that he described as "two generations old." The evaluation of the magnet schools and the other desegregation programs is essential to the success of the plan and the Court finds that a new computer system is necessary and that the submitted costs are reasonable. The State maintains that should the Court approve the purchase of the new system, that only the incremental cost attributable to evaluating the desegregation programs should be funded by the desegregation budget. The Court finds that it is the court-ordered desegregation programs, particularly the large number of magnet schools that are coming on line, that have created the need for the new equipment and therefore that the total cost of the system is properly a desegregation cost. The KCMSD has also requested funding of $5,060 and $5,414 for years 1989-90 and 1990-91, respectively, for an equipment maintenance contract and purchase of computer software. The Court finds that these expenditures are necessary and their cost reasonable and approves them as part of the desegregation budget for those years.



*Staff Development/Human Relations*

The KCMSD has requested funding for $482,955 in 1988-89, $466,885 in 1989-90 and $280,309 in 1990-91 for an extensive staff development/human relations program. The Court had approved $500,000 for staff development in year 1 of the desegregation plan. The present proposal actually consists of two components, human relations for desegregation, and improvement of student achievement. The human relations staff development program is intended to assist all staff members, including teachers, administrators, custodians, etc. in promoting and understanding cultural diversity, reducing bias, racism, and discrimination, improving interracial interaction, enhancing discipline and classroom management techniques in multi-cultural settings, and enhancing academic achievement of all students in a desegregation setting. The Court is well aware that there are inherent problems when teachers, students, custodians, etc. of varying races are placed together in an educational setting for the first time. However, the Court finds that the approximate $1.25 Million proposed for the human relations component is not a necessary cost of the desegregation plan. The Court encourages teachers, administrators and other KCMSD personnel who face these problems to seek the advice and counsel of fellow staff members who have experience in dealing with those situations.

The other component of the proposed staff development/human relations program, improvement of student achievement, is intended to educate teachers and administrators on how to prepare their students to take standardized tests. The Court firmly believes that the money proposed for this program is better spent in improving the student's knowledge of the subject areas tested on such examinations, and not on techniques of taking the examinations. For these reasons, the Court denies KCMSD's motion for approval of the staff development/human relations program as part of the desegregation plan for years 1988-89, 1989-90, and 1990-91.

*Administrative Reorganization*

On March 8, 1988, the Board of Directors of the KCMSD approved Superintendent George F. Garcia's proposed reorganization of the administrative structure of the KCMSD. Dr. Garcia testified that the prior structure was really composed of two administrations, one for the magnet schools and one for the traditional schools. He testified that the new organization avoids duplication and will more effectively administer the Court's desegregation programs as well as the traditional school programs. The KCMSD requests the Court to approve a total of $472,487, which is 70% of the cost of the reorganization, as part of the desegregation budget for years 4 through 6 of the desegregation plan. The Court defers to Dr. Garcia's decision to reorganize the administration of the KCMSD and believes that the new organization will more effectively administrate the education provided in the KCMSD. However, it is clear that the reorganization was done not only to provide more effective implementation of the desegregation programs, but also the traditional school programs. The KCMSD has simply not shown the Court that the submitted costs relate solely to the administration of the desegregation programs and thus the Court will not approve the additional funds over the extensive funding already approved in the long-range magnet school plan for administration purposes.

*Interest Payments*

In its order of June 14, 1985, the Court required KCMSD to contribute $10,000,000 and the State $27,000,00 for initial capital improvements to KCMSD facilities. The KCMSD requests the Court to approve the interest costs it has accrued and will accrue in obtaining the $10,000,000 for years 1988-89, 1989-90, and 1990-91. In its order of July 6, 1987, the Court found that these interest costs were properly desegregation expenditures and recognized the estimated interest costs for 1987-88 of $353,061 as a desegregation expense. However, in



its determination of the contributions to be made by the KCMSD and the State, the Court mistakenly included the estimated amount of 1987-88 in the total desegregation budget for year 1987-88. The State should not have been required to contribute $264,796 of this interest amount and will be given a credit in that amount on its desegregation obligation for year 1988-89. The KCMSD also asserts that its actual interest cost for 1987-88 was $957,699, or $604,638 more than its original estimate. The Court will recognize this additional cost as a KCMSD desegregation expense. The KCMSD assures the Court that the 1989-90 and 1990-91 estimated interest costs are maximum costs. As a result, the Court approves as a KCMSD desegregation expense $1,488,668 for year 1988-89, $838,380 for year 1989-90, and $788,067.50 for year 1990-91. The State is not required to contribute any of these amounts.

*Desegregation Monitoring Committee*

The Desegregation Monitoring Committee is an arm of this Court and has shown itself to be an effective and impartial group committed to achieving the goals outlined in this Court's plan. The budget for the monitoring office will be increased from its present level of $256,228 to $266,854. This net increase of $10,626.72 results from a reduction in the research budget of $31,991, an $8,800 increase in per diem payments, a $7,593.72 increase in the operating budget, the addition of a financial specialist who will be responsible for tracking budgets as related to capital improvements and other desegregation program components, and a 5.5% increase in salary and benefits for the executive secretary and administrative assistant. The Court approves the DMC's request for a transfer of $15,000 from the balance of the research budget for 1987-88 to the staff compensation budget for partial funding of the financial specialist in 1988-89. The Court also notes that the per diem increase is based upon an increase in the number of compensable hours to 110 hours for committee members, to 125 hours for committee chairpersons, and to 150 hours for the general chairperson.

In addition, the DMC has informed the Court that there is a balance in the per diem account for year 1987-88 and requests permission to compensate committee members who have exceeded their compensable number of hours from the remaining funds in this account. The Court authorizes such payments and orders that any remaining balance after these additional payments are made should be carried over to the 1988-89 per diem budget.

## *IMPROVING STUDENT ACHIEVEMENT*

### *Effective Schools*

The KCMSD has proposed a budget of $6,680,000 for the effective schools program for 1988-89, an increase of $125,000 over 1987-88. The KCMSD also requests funding of $7,300,000 for 1989-90, and $7,500,00 for year 1990-91. The State opposes the requested funding on the ground that the "effective schools program has not been demonstrated to be achieving its intended purpose." State's Post-trial Memorandum at p. 64. The Court finds that the State's position is without merit.

This Court, in *Jenkins* v. *Missouri*, 639 F.Supp. 19, 34 (W.D. Mo. 1985), stated that the effective schools funding must be spent "for the sole purpose of improving student achievement as measured by the Iowa Test of Basic Skills and the Basic Essential Skills Test (BEST)." Dr. Paul Holmes, KCMSD Director of Research, Evaluation and Testing, testified that the pass rate for KCMSD students on the BEST test has increased from 39% in 1984-85, the year before implementation of the effective school program, to 59.6% in 1987-88, the highest ever in the history of the KCMSD. Specifically, 93.6% of KCMSD students passed the reading portion of the BEST test and 73.3% passed the math portion in 1988, as opposed to 85% and 56.4% in 1985. Dr. Holmes also testified that the performance of KCMSD students on the ITBS test has shown similar improvement. In 1985, before implementation of the effective schools program, the



national norm on the ITBS was met or exceeded in only 29% of the grade level subtest comparisons. This increased to 39% in the spring of 1986 and 52% in the spring of 1987. The State does not dispute these figures but only points to an independent evaluation of the effective schools program in which only 29% of the faculty survey responded that the effective schools program made "a great or very great change" in their instruction. The Court finds that this evaluation only covered the planning during year 1985-86 and the implementation of the program in 1986-87, and despite the results of the faculty survey, the evaluation recommends continuation of the program. The Court also finds that the more pertinent information is the test scores of the KCMSD students since the implementation of the effective schools programs and the testimony of KCMSD principals and parents of KCMSD students at the hearing that the effective schools funding is essential to the operation of their particular schools. For these reasons, the Court approves the continuation of the effective schools component for 1987-88 through 1990-91.

The State also argues that if the Court continues effective schools funding that it reduce the amounts allotted to each school. The Court finds that the funding levels approved in the past are reasonable and will approve them for years 1988-89, 1989-90, and 1990-91. As a result, the Court approves funding for the effective schools program in the amount of $6,680,000 for 1988-89, $7,300,000 for 1989-90, and $7,500,000 for 1990-91.

### *Reduction in Class Size*

The KCMSD has requested $8,787,191 for the 1988-89 cost of teachers required to meet the class size levels ordered by this Court, a $337,056 increase over 1987-88. The KCMSD has also requested funding of $9,226,551 for 1989-90 and $9,687,877 for 1990-91.

In *Jenkins* v. *Missouri*, 639 F.Supp. 19, 30 (W.D. Mo. 1985), the Court ordered that the maximum class size was to be attained by school year 1987-88 and that the total cost of the program was to be paid by the State and not to exceed $12,000,000. The State argues that through year three of the desegregation plan, it has been ordered to expend $12.3 Million Dollars on reduction of class size and therefore that it is not liable for any additional expenditures on this component. For the following reasons, the State's position is without merit.

First, the maximum class sizes were not attained in 1987-88. Secondly, at the time of the 1985 order, the KCMSD was not operating middle schools nor did its high schools have a seven period day, both of which will occur in the 1988-89 school year and both of which have an effect on the number of teachers needed to meet the requirements of the Court. Finally, the maximum class sizes must be maintained once achieved and the Court's June 14, 1985 order does not preclude the Court from ordering the State to fund a share of the maintenance.

The State also argues that the class size reduction should be based upon average rather than maximum student teacher ratios and should only be implemented at nonintegrated schools. For the reasons set forth on p. 5 of its June 6, 1987 order, the Court rejects both of these claims.

The State also argues that even using the maximum student/teacher ratios, the KCMSD has grossly exaggerated the number of teachers required to meet such ratios. The Court finds that the dispute simply is based upon differing projections of number of students who will enroll in the KCMSD over the next three years. The State assumes that no new students will enroll while the KCMSD assumes enrollment in the magnet schools up to the capacity of those buildings. The Court finds that neither is likely an accurate projection. However, the Court will approve the proposed budget for 1988-89 of $8,787,191, but will not approve the proposed increases for 1989-90 and 1990-91. The State is



protected for 1988-89 because the KCMSD is ordered to hire only the number of teachers necessary to meet the court mandated class size maximums and thus the State will pay only for its share of the teachers needed. If student enrollments justify additional funding for years 1989-90 and 1990-91, KCMSD may move the Court for such funding.

The KCMSD is directed to submit a report to the Desegregation Monitoring Committee by October 15, 1988 setting forth the actual enrollment in the KCMSD broken down by K-3, 4-5, and 6-12, and the number of teachers hired by the KCMSD under this component. The report shall also include the specific number of students in each classroom of K-5 students for the school year 1988-89.

*Summer School 1988*

The KCMSD has requested $1,793,397 for the summer school program in 1988. This figure consists of $1,302,571 to operate the elementary, middle, and senior high summer programs, and $506,730 for transportation for summer school programs at nine magnet schools, including the 1986-87 magnets. The magnet transportation component will be considered under the 1986-87 magnet section.

In *Jenkins* v. *Missouri*, 639 F.Supp. 19, 47-48 (W.D. Mo. 1985), the Court approved a budget for summer school 1986 of $1,196,000 which included $200,000 for transportation of a projected 3,680 students. The actual enrollment for the summer of 1986 program was 2,862. For the summer of 1987 the Court approved an additional $100,000 for transportation to meet the 1987 projected enrollment of 3,680 students. The actual enrollment in 1987 was 3,508. Despite a projected enrollment of 3,200 students for summer school 1988, the KCMSD requests $353,970 for transportation costs. It claims that the additional transportation funds are needed because in 1987 it was forced to spend $100,000 of its operating budget on transportation. Because of

the projected decrease in enrollment for 1988, the Court simply cannot approve an increase in transportation funds over the $300,000 alloted for 1987.

The State argues that the salary component of the summer 1988 budget is excessive because it is based on pupil/teacher ratios of 15 to 1 at the elementary level, 18 to 1 at the middle level, and 22 to 1 for high school summer students, all of which are less than the maximum levels set by the Court.

The Court finds that the lower pupil/teacher ratios on which the salary component of the summer school program is based are appropriate because the students in the summer program have remedial needs that will be better served in smaller classes because of the short summer session. For this reason, the Court approves the proposed salary component and approves a total summer school budget in the amount of $1,249,571 for 1988. The Court notes that this funding does not duplicate what was purportedly granted by the Desegregation Monitoring Committee. On March 31, 1988, the Desegregation Monitoring Committee approved the KCMSD's request to advance funds necessary for the implementation of the summer school program for 1988 from the funding approved for implementation of the seven day period in high schools which was not implemented as originally scheduled in 1987-88. The KCMSD is directed to reimburse the seven day period fund in the total amount advanced.

In its order of July 6, 1987, the Court directed the State to include the KCMSD summer school students in its foundation formula calculations. At the hearing, the State introduced evidence that the KCMSD's total cost for a summer school program in 1987 was $1,297,415 and that the KCMSD withdrew $945,388 from the State's program desegregation account for 1987 summer school expenditures. The State also indicated that the KCMSD would receive an additional $445,748 in foundation formula payments based upon the 1987 summer school enrollments. The KCMSD has indicated that it will credit the State's payment in the amount of $79,000 resulting in the total amount paid or to be paid by the State in desegregation funds and foundation formula payments for summer school 1987 of $1,312,136, or $14,721 more than the cost of the program. The Court had directed the State to include the summer school students in its foundation formula because it believed that this funding was for summer school expenditures that were nondesegregation costs. The KCMSD did operate an elementary summer school program prior to the desegregation plan and the Court believed that KCMSD's proposed summer school budget included only those expenditures that resulted from the desegregation order. However, it appears that the KCMSD has submitted its entire summer school costs for 1987 and 1988 as a desegregation expense. Therefore, unless the KCMSD can demonstrate that it incurred summer school costs for its 1987 program in addition to those included in its 1987 summer school budget, then the State has paid for the entire desegregation budget for summer school 1987. This was not the intent of the Court, and unless the KCMSD can make the showing specified, the State is entitled to a credit on its financial obligation for summer school 1988 of $340,313. For summer school 1988, the State is directed to include the KCMSD summer school students in its foundation formula calculations but the payments resulting from these additional students are to be applied to the State's desegregation obligation for the 1988 budget. KCMSD argues that the summer school payments based upon the foundation formula are not categorical payments but rather go into the general operating budget of the school district. The Court acknowledges this fact but finds that the result is that the State's expenditures for the summer school 1987 exceeded what was apparently the total cost of the summer school program in 1987.



*Summer School 1989-91*

The KCMSD has proposed a new summer school program for summers 1989, 1990, and 1991 that would be fully coordinated

with the magnet schools. In addition to offering remedial classes necessary to help students who are retained in a grade or who are falling behind, it would also offer enrichment programs that are successful in the magnet schools. The KCMSD requests $1,793,397 for the summer of 1989, $1,886,663 for the summer of 1990, and $1,992,795 for the summer of 1991 to fund these new programs. The Court finds that introducing students to the magnet courses in these programs will draw new students into the magnet schools and offer a much greater desegregation in the summer program. However, the Court finds that the budgets requested are excessive. Specifically, the Court acknowledges that teachers and principals will need to plan for the implementation of these summer programs during the preceding school year but finds that 120 paid hours per teacher is excessive and the Court will approve stipends for 30 hours per teacher. The Court also finds that the requested stipends for 200 teachers to participate in a staff development program component of the summer school program is not a necessary cost and will not be approved. The proposed half time coordinator and clerical support to coordinate the planning and implementation of the new summer school programs are approved. Finally, the Court finds that the proposed pupil student ratio of 15 to 1 for remedial classes is appropriate and is approved. However, the proposed 20 to 1 pupil-student ratio for enrichment classes is not necessary and the Court approves only the cost of teachers and teachers aides needed to obtain the maximum class sizes ordered by the Court for the enrichment component. For these reasons, the Court will approve the new summer programs as modified. The proposed budget was based on a 20 to 1 ratio which the Court does not approve; therefore, the Court is unable to approve a fixed budget because it cannot determine from the submitted budget the exact amount of the proposed stipends for planning time and the additional cost of teachers and teachers aides needed to obtain the maximum pupil teacher ratio for enrichment courses. The KCMSD is directed to submit an amended budget reflecting these modifications.



*Full Day Kindergarten*

The KCMSD has requested funding of $1,773,185 for 1988-89, $1,862,515 for 1989-90, and $1,956,363 for 1990-91. The budget for 1987-88 was $1,826,964. The State argues that the KCMSD has not justified the continuation of this program because it failed to meet its projected enrollments. The Court finds that the KCMSD did fail to meet its projected enrollments in 1986-87 and 1987-88, but that the difference between the actual and projected figures were relatively small. In 1986-87 the projected enrollment was 3,482 and the actual enrollment was 3,360, a difference of only 120 students. For 1987-88, projected enrollment was 3,300 and the actual enrollment was 3,060, a difference of 240 students. Most importantly, the evidence presented at the hearing showed that the students enrolled in the full day kindergarten for 1985-86 and 1986-87 scored at or above national norms on the Iowa Test of Basic Skills and that these same students continued to score at or above the national norms when they were tested at the end of the first grade. The full day kindergarten has also had a desegregative effect because the percentage of nonminority students participating in the program has been above the district wide average. This evidence of student achievemnt and desegregation warrants the continuation of this program.

For 1988-89, the KCMSD projects that it will need a total of 171 kindergarten teachers, 15 of which are proposed to be funded under the 1986-87 magnet component and five under the base budgets component. Therefore, the KCMSD requests funding of 51 teachers under the full day kindergarten component of the desegregation budget based upon a projected enrollment of 3,160. The KCMSD also requests continuation of the three resource teachers, a clerical position to assist in the preparation of new materials and to staff the lending library, and workshop stipends and related expenses for all kindergarten teachers. KCMSD also requests fund for additional supplies in 1988-89, 1989-90 and 1990-91.

The State claims that the 51 teachers requested to be funded under the desegregation budget are excessive because the number of teachers should be determined based upon an average rather than a maximum pupil teacher ratio, and because KCMSD's enrollment projections are excessive. The Court has ordered that no kindergarten class in the KCMSD shall consist of more than 22 students and therefore again rejects the State's argument. Regarding the State's claim of excessive enrollment projection, the Court simply cannot determine if KCMSD's projection is accurate. For 1988-89, the Court approves the funding requested for teachers, staff and supplies based upon KCMSD's projection but will not approve any increases for services in 1989-90 and 1990-91 at this time. Furthermore, for 1988-89, the KCMSD is ordered to only hire the number of teachers necessary based upon the actual enrollment and to only purchase supplies based upon that enrollment. The State also claims that during 1987-88 the KCMSD hired more teachers than was necessary to serve the actual enrollment at the Court ordered levels. The Court finds that the State has not presented any evidence supporting this claim and will not issue any credit as requested. The State also claims that in 1987-88 that the KCMSD paid only 89 rather than 100 kindergarten teachers out of its operating budget, and that it improperly charged the costs of these 11 teachers to the desegregation budget. Again, based upon the evidence presented at the hearing, and the post hearing briefs submitted by the parties, the Court finds no evidence to support the State's claim. However, the Court directs the KCMSD to submit documentation to the Desegregation Monitoring Committee setting forth the total number of kindergarten teachers actually employed by the KCMSD for 1987-88 and the number of teachers funded by the operating budget and desegregation budget.

For the reasons stated, the Court approves a fiscal year budget of $1,773,185 for 1988-89, 1989-90, and 1990-91. If student enrollments justify increased or decreased funding for 1989-90 and 1990-91, the Court will make an appropriate modification.



*Extended Day*

The KCMSD has proposed to reform its before and after school program into an extended day program similar to those presently offered at many of the magnet elementary schools. The projected budgets of $1,520,065 for 1988-89, $2,213,083 for 1989-90, and $3,228,519 for 1990-91, represent large increases over the 1987-88 budget of $233,759. The new proposals include expansion of the number of participating schools from the ten to thirteen in 1988-89, to eighteen in 1989-90, and to twenty-five in 1990-91. The proposal also increases transportation from two afternoons per week to five mornings and five afternoons per week. In addition, tutoring would be offered five afternoons per week instead of the current two and the enrichment activities would be greatly expanded. Finally, the program calls for a half-time coordinator at the central office to coordinate the program and a part-time coordinator at each individual school to coordinate the implementation of the activities at that particular school.

The State is opposed to continuing the program because it claims that it has not achieved its desegregation and student achievement goals. In the alternative, the State asserts that even if the program is continued for 1989-90, a five-fold increase in the budget is not justified. For school year 1985-86, the Court approved $104,400 for a before and after school program at ten schools. The KCMSD did not implement the plan as ordered and the Court did not approve any increase in the budget for 1986-87. The program did not meet its projected enrollments for 1986-87 and in 1987-88 the Court approved an increased budget of $ 233,759 to provide transportation two afternoons a week and the addition of certified teachers to improve the quality of tutoring. The Court found that the lack of transportation was the primary reason why many students did not participate in the program and gave the KCMSD another year to meet its projected enrollments. The enrollments rose from 398 in 1986-87 to 462 in the super-

visory component and 527 in the tutorial component in 1987-88. The Court also notes that the nonminority enrollment in the program also increased from 123 in 1986-87 to 156 in the supervisory component and 142 in the tutorial component in 1987-88. Notwithstanding these enrollment increases, the KCMSD's February 19, 1988 Longitudinal Evaluation concluded that the Before and After School Program "may be attracting desegregated enrollments in about half the sites" and that the ITBS scores in 1985-86 and 1986-87 "revealed no consistently significant differences within grade levels between students who were in the program and random samples of nonparticipating students from the same schools." ITBS scores for 1987-88 were not available. The KCMSD acknowledges that the program has fallen short of its desegregation and instructional goals and proposes an extensive expansion for 1988-89, 1989-90 and 1990-91.

Due to the limited success of the program, the Court finds that KCMSD's proposed budget increase for 1989-90 of $1,286,306 is not justified. The Court finds that the increasing enrollments is a positive sign and believes that the program should continue. The Court will not approve the expansion of the program from ten to thirteen schools in 1988-89 but approves an increase in tutoring from two to four days per week and also approves an increase in transportation from two to five afternoons per week. The Court will not approve the half-time coordinator at the central office but will approve a part-time coordinator at each particular school to implement the programs at those schools. The Court finds that a budget of $600,000 is reasonable for this program and represents a substantial increase over the preceding year. To the extent that the approved budget permits, additional enrichment activities are approved. The Court will not at this time approve any budget for years 1989-90 and 1990-91. The Court will consider budgets for these programs only after an evaluation of the success of the ITBS scores for 1987-88 and the 1988-89 program as approved by the Court.



*Early Childhood Education*

The KCMSD requests funding of $4,089,024 for the early childhood education program in 1988-89, an increase of approximately $900,000 over the 1987-88 budget. KCMSD also requests funding of $4,072,395 for 1989-90 and $4,315,207 for 1990-91. The State argues that the proposed program and budget should not be approved because contrary to prior orders of the Court, the KCMSD failed to seek input from the State in developing the program. In *Jenkins* v. *State of Missouri*, 639 F.Supp. 19, 32 (W.D. Mo. 1985), this Court did direct the State of Missouri and the KCMSD to cooperate in implementing the basic components of the early childhood development programs. Despite the State's claim, the Court will consider the proposed plan for 1988-89 because of the approaching school year. However, the Court will not approve the proposed program and budgets for 1989-90 and 1990-91, thereby giving the parties the opportunity to jointly develop an early childhood education program for those years.

The early childhood program consists of three components, the early learning centers for three and four year old children, a screening component for one through four year-olds, and a parent education program. The early learning centers have been very successful in 1987-88, serving a total of 640 students at 16 locations. For 1988-89, the KCMSD proposes to expand the number of early learning center locations to 25 which would allow it to serve a total of 1,000, including approximately 470 students presently on a waiting list. A substantial portion of the approximate $900,000 increase over last year's budget consists of the additional equipment needed for the nine new learning centers and the additional transportation needed for the increased enrollment. The Court finds that these expenditures are necessary and their cost reasonable.

The parent education program consists of parents as teachers program for families with children from birth to three years of

age and a district wide parent education program for parents of children three to four years of age. The parents as teachers program provides screening for children ages one and two, private visits and group meetings with parents to provide information about normal child growth and educational development suggestions, and a lending library with books and toys to be used by parents in the program. This program has been very successful and the Court will approve its continuation at the proposed budget.

To the contrary, the district wide parent education program has not been successful. In the fall of 1987, only 45 parents participated in the district wide parent education meetings, a decrease in attendance from both the fall and spring of the 1986-87 school year. Despite testimony that 94% of the parents who did participate in the program found that their knowledge of childhood development had increased because of the program, the Court cannot approve the continuation of the program for 1988-89 because of the lack of participation. The itemized early childhood program budget for years 1988-89, 1989-90, and 1990-91 was admitted at the hearing as State's Exhibit No. 1. However, the Court is unable to ascertain the exact amount budgeted for the district wide education program for 1988-89. The Court directs the KCMSD to submit this information to the Court.

Screening of children ages one through four is the third component of the early childhood development program. The State argues that the budget is excessive and should not be approved because it estimates that KCMSD's costs of screening three and four year olds in 1988-89 will be $222 per child while its cost to screen one and two year olds will only be $15 per child. The KCMSD claims that its screening costs for three and four year olds for 1988-89 is $81.00 per child. Based upon the testimony at the hearing, the Court finds that even $81 per student is excessive and orders that the KCMSD cost of screening 3 and 4 year olds shall not exceed $50 per child. The KCMSD



is further directed to reduce the budget accordingly and submit such information to the Court.

For these reasons, the Court approves a tentative early childhood budget for 1988-89 in the amount of $4,089,024, to be modified as found appropriate by the Court.

*Base Budgets*

In its order of July 6, 1987, the Court approved funding of $3,171,264 for the base personnel and resources of the two new magnets that opened in 1987-88, Lincoln South and the New Paseo Middle School. The Court found that these costs were desegregation expenses. For 1988-89, the KCMSD seeks $7,215,392 for continued funding of the base costs of those two schools plus the base costs of two elementary magnets that are scheduled to open in new facilities in 1988-89, the New Gladstone and the New West Elementary Schools. The State argues that these budgets are excessive because they duplicate costs found in the AAA budget, the long-range capital improvement plan, etc. The Court finds that the State's position is without merit. The overall AAA budget does not include funds for AAA materials for the base budgets, and the capital improvements expenditures contained in the base budgets are in addition to those ordered in the long-range capital improvement plan. The Court will not, however, approve the $40,094 proposed for facilities maintenance in the base budgets. The cost of maintaining these new facilities is to be financed by the KCMSD from its operating budget. The Court finds that the remaining costs included in the base budgets are reasonable and will approve funding for 1988-89 of $7,175,298 for these magnets as desegregation costs, but will reduce the approved amount by the costs avoided elsewhere in the KCMSD because most of the students attending these magnets are presently KCMSD students. The KCMSD has indicated that it is developing a formula that will calculate these avoided costs. The Court directs the KCMSD to submit the proposed formula and the amount of the costs avoided

for the school year 1987-88 to the Court by September 30, 1988, and for the school year 1988-89 as soon as they are available.

*1986-87 Magnet Schools*

The KCMSD has requested funding of $14,241,784 for the operation of original six magnet schools for 1988-89. This budget represents a 16% increase over the previous order. The KCMSD also requests funding of $14,966,072 for 1989-90, and $15,870,684 for 1990-91. The 1986-87 magnets have been successful in terms of actual desegregation and improving student achievement. Lincoln Academy has dropped from 79.1% minority in 1985-86 to 64% minority in 1987-88. It has also experienced great gains in achievement on the Iowa Test of Basic Skills examination, gaining two grades in reading and one and a half grades in math in the first year the school was a magnet. Its students also have a pass rate of 97.1% on the BEST test and have won numerous awards and recognitions, including some in competitions with suburban districts. In 1987-88, Swinney-Volker, and the Southwest Cluster magnet schools were all within several percentage points of the 60/40 minority/non-minority admissions guidelines set by the Court. The children at Swinney-Volker and the Southwest Cluster have also achieved significant academic gains as they are at or above national norms and have won awards in state and regional competitions. In 1988-89, these six magnet schools will collectively experience a 15% enrollment increase over 1987-88. The Court finds that this increase justifies a 16% increase in the budget. The Court also finds that these magnet schools were treated as separate student populations for purposes of maintaining AAA levels, and therefore that the AAA funds included in the proposed budget are not duplicated in the general AAA budget. For these reasons, the Court finds that the proposed budget of $14,241,784 for 1988-89 is reasonable.

The State argues that only the incremental cost of operating these schools as magnets should be approved as desegregation



costs. This would be consistent with the Court-approved long-range magnet school budget. In *Jenkins* v. *Missouri*, 639 F.Supp. 19, 53 (W.D. Mo. 1986), the Court found that "magnet schools can be utilized to assist in expanding the desegregative educational experience for KCMSD students," and ordered the implementation of a fully magnetized program at Lincoln Academy, the Southwest Cluster, and Swinney-Volker. The Court approved the full cost of the schools in 1986-87 as a desegregation expense. The 1986-87 magnets have proven successful and in November of 1986, the Court approved a long-range magnet school plan and budget which included only the cost of implementing the magnet programs at the schools contained within the plan, it did not fund the traditional programs at those schools. Now that the long-range magnet school plan is underway, the Court finds that separate funding treatment of the original 1986-87 magnet and those magnets contained within the long-range magnet plan is inappropriate. However, the Court is unable based upon the evidence before it, to determine these incremental magnet costs, and directs the KCMSD to determine the portion of the 1988-89 proposed budget that consists of operating costs which would have been incurred even without the Court ordered magnet programs. Because this information is not available to the Court at this time, the Court will approve the proposed budget of $14,241,784 for 1988-89 as a desegregation expense, but will allow the State a credit in the amount of these incremental costs as approved by the Court against the amount of their total desegregation obligation for year 1988-89. The Court will not approve the proposed budgets for 1989-90 and 1990-91 because these figures are also to be revised to reflect only the magnet costs of these schools for those years.

The KCMSD also requests funding of $506,730 for the transportation costs of the summer magnet programs at Lincoln College Prep, Swinney-Volker, the Southwest Cluster, Franklin, Pinkerton, and Knotts Schools for the summer of 1987. The Court finds that these are properly desegregation costs but the

Court is unable to determine if the amount requested is reasonable. The extended year program was described at the hearing but there was no testimony concerning the number of students transported. Therefore, the Court will not approve the requested amount without additional information.

*AAA*

The KCMSD has requested funding of $6,286,463 to maintain its AAA rating in 1988-89, a decrease of $54,151 from 1987-88. The KCMSD also seeks funding of $6,483,956 for 1989-90 and $6,842,545 for 1990-91. These requested budgets consist of salaries for teachers, counselors, librarians and library resources to maintain the AAA rating.

The KCMSD request includes $1,962,153 for library resources in 1988-89. This amount consists of $143,302 for a library resource and distribution center, $285,076 for an audio/visual department, and $1,533,755 for a circulation department, of which $1,376,293 is apparently for library resources needed at the individual schools to maintain the AAA rating. The Court finds that these expenditures are necessary and their cost reasonable, except for the $1,376,293 in resources contained in the circulation department budget. Dr. Casner, KCMSD Director of Curriculum testified that he used a per pupil average cost of $32.24 to calculate the expenditures required to maintain its AAA library resource status, which results in a total cost of approximately $1,140,000 for 1988-89. Therefore, the Court approves $1,140,000 rather than the proposed 1,376,293 for 1988-89. The Court makes similar reductions for 1989-90 and 1990-91.

The State argues that even $1,140,000 for library resource requirements is excessive because KCMSD failed to consider those resources purchased with effective schools funds and the resources contained in the full day kindergarten lending library. The Court disagrees. Effective funds were intended to be spent



at each school at the discretion of the school's principal and teacher-parent committees to address specific needs at that school. Including library resources purchased with these funds for AAA purposes might encourage school officials to purchase other items which may not be as needed as additional library resources to address a specific educational deficiency. The Court also finds that the lending library resources contained in the full day kindergarten program are not to be considered for AAA purposes because these resources consist of teaching aids and kits for teachers in assisting them in instruction, and are not resources which directly benefit the students.

In addition, the KCMSD requests $141,872 for base materials and equipment costs for 1988-89. After reviewing the evidence presented at the hearing, the Court is unable to determine the specific items for which these funds are requested and therefore, will not approve these funds at this time. For these reasons, the Court will approve as a desegregation expense $1,725,860 for AAA resources and maintenance in 1988-89, $1,842,048 in 1989-90, and $1,963,535 for 1990-91. The Court will not, however, order the State of Missouri defendants to fund any of these costs.

In *Jenkins* v. *Missouri*, 639 F.Supp. 19, 47 (W.D. Mo. 1986), the Court ordered that KCMSD's obligation for library resources in 1986-87 of $2,040,936 was "slightly higher than the amount needed to maintain AAA library resources on an ongoing basis" and that it "shall be used annually to insure maintenance of AAA standard library resources in the remaining years of this desegregation plan." With the assistance of the State, the KCMSD attained AAA status for library resources in 1986-87 under the desegregation plan and maintained this rating in 1987-88. Consistent with the Court's June 16, 1986 order, it is time that the KCMSD solely fund the cost of maintaining its library resources at the AAA level.

The KCMSD also moves the Court to approve $4,182,438 for librarians, counselors, physical education teachers, art teachers, music teachers, and substitute teachers needed to maintain the AAA status for 1988-89, $4,391,560 for 1989-90, and $4,611,138 for 1990-91. The State argues that the proposed budget is excessive because it includes seven additional elementary librarians, bringing the total number of librarians under the desegregation budget to 21. The State argues that these seven additional librarians exceed AAA requirements. The KCMSD claims that the seven librarians will replace 31 planning time aides that were funded in previous orders to provide regular teachers with the amount of planning time required by AAA. This substitution will not only provide the regular teachers with the required planning time and reduce the staff cost, but will permit the KCMSD to provide a librarian for at least one full day each week to all the elementary schools in the district. While this is not an AAA requirement, it is an added benefit which results from meeting the planning time requirement. The Court approves this request.

The Court also finds that the number of counselors, physical education teachers, art teachers, music teachers, and substitute teachers requested by the KCMSD are required to maintain the AAA rating and approves the proposed budgets. The Court finds that these budgets do not duplicate teachers, counselors and librarians that are included in the 1986-87 magnets budget and base budget. Therefore, the Court approves the proposed budgets for the costs of teachers, counselors and librarians needed to maintain the AAA level for 1988-89, 1989-90, and 1990-91.

For these reasons, the Court approves an AAA budget of $5,908,298 in 1988-89, $1,725,800 for which the KCMSD is solely responsible. For 1989-90, the Court approves an AAA budget of $6,233,608, with the KCMSD solely responsible for $1,842,048. For 1990-91, the Court approves a budget of $6,754,673, with KCMSD solely responsible for $1,963,535.



*Salary Schedule*

For fiscal year 1987-88, the KCMSD had projected an operating budget of $121,342,353 and total revenues of $110,558,418, creating a deficit of $10,783,835. Included in the operating budget was approximately $7,147 Million for additional teachers required for the seven period day that was to be implemented in the senior high schools beginning 1987-88, and for salary increases for both operating and desegregation teachers. In its order of September 15, 1987, the Court provided the KCMSD with $7.147 Million per fiscal year through 1991-92 to fund the teacher salary increases and the additional teachers necessary for the seven day period. For 1987-88, the KCMSD granted salary increases to its desegregation and nondesegregation teachers out of these funds. In the proposed desegregation budgets for 1988-89, 1989-90, and 1990-91, the KCMSD includes a 5% per year inflation increase for all personnel contained in the budgets, the same amount contained in the long-range magnet school budget. As a result, the salary increase that the KCMSD granted its desegregation teachers out of the $7.147 Million would no longer come from those funds, but rather would be funded by the desegregation budget. The Court finds that the current salaries of these desegregation teachers and any subsequent increases are properly desegregation expenses and will approve the 5% per year inflation increase contained in all the sub-budgets. However, the net result of this modification is that approximately $2,000,000 per year of the $7.147 Million generated by the Court to fund and maintain the 1987-88 salary increases is uncommitted for fiscal year 1988-89 through fiscal year 1991-92. KCMSD requests that it be allowed to utilize this fund to grant additional salary increases for its teachers who are funded by the operating budget. This request will be denied. This Court provided the $7.147 Million, part of which was to fund a salary increase for nondesegregation teachers, because the Court realized that the KCMSD needed additional money to attract and retain high quality teachers. However, any further salary increase for the

nondesegregation teachers within the KCMSD will not come from desegregation funds but must be granted from KCMSD's operating budget. Furthermore, the Court orders that the uncommitted $2,000,000 be placed in a reserve because it will be needed to fund additional desegregation costs for site selection, interest payments, magnet transportation, etc., costs that will apparently exceed those originally estimated by the Court.

## *PLAINTIFFS' MOTION TO MODIFY DESEGREGATION ORDERS*

### *Environmental Science Program*

The KCMSD started its environmental science program at North Rock Creek and Korte Elementary Schools in the fall of 1986, a year prior to the implementation date set forth in the long-range magnet plan approved by the Court. As a result, the KCMSD students who attended these elementary programs and who will be entering the sixth grade in the fall of 1988 are without an environmental science middle school program since Nowlin Middle School is not scheduled to open until the fall of 1989. To remedy this problem, the KCMSD requests the Court for a one time expenditure of $70,000 to provide a sixth grade environmental science magnet program at Nowlin School in 1988-89. The $70,000 includes $36,000 for a resource teacher to supervise the environmental science library, plan and implement field trips, and to maintain and dispense equipment. The balance consists of $9,000 for field trips, $5,000 for staff development and $20,000 for equipment. The Court finds that this program is necessary to provide continuity to this magnet program. Failure to do so may result in parents removing their children from the magnet schools and possibly the KCMSD, and cause adverse publicity for the magnet program at a time when parental confidence in the magnet schools is crucial to its success. Therefore, the Court will approve funding of $70,000 for a middle school environmental science program at Nowlin School for 1988-89. However, the Court finds that certainly some of the



equipment purchased with the $20,000 will not be expended during the school year 1988-89 and that the equipment needs for the environmental science program at Nowlin School for 1989-90 shall be reduced accordingly.

### *Central High School*

Central High School is schedule to open its computer magnet program in 1989 and its classical greek magnet program in 1991-92. The computer component will consist of approximately 1,000 computers and the plaintiffs move the Court to approve funding for a system coordinator to oversee the computer system and a computer technician who will maintain the computers and supervise a student repair shop. The cost of these positions will be $87,000 per year. A computer consultant from Price Waterhouse Corporation testified that these positions are necessary for the computer magnet program to operate and to be cost effective. The Court agrees and finds that the positions of systems coordinator and computer maintenance manager will pay for themselves in a relatively short time due to increased efficiency, less down time, and lower repair costs. Accordingly, the Court will approve these positions at a total cost of $87,000, including fringe benefits for 1988-89, with a 5% inflation increase per year through 1991-92.

### *Physical Education Specialist at Northeast Law and Public Service Magnet*

The fire and public safety component of the law and public service magnet program at Northeast High School is partially designed to prepare students to take and pass tests for fire, police, ambulance and other similar positions, tests which include physical conditioning requirements. The plaintiffs request funding of $30,500 per year, including fringe benefits, for an additional physical education teacher to address these specific physical conditioning requirements. The Court finds that this additional physical instruction can be incorporated in the regular

physical education classes presently provided at Northeast and thus the Court denies the plaintiffs' request for an additional teacher.

*Additional Technician in the Magnet Personnel Office*

The plaintiffs request funding of $28,000 per year for an additional technician to process the applications for staff stipend allotments, to recruit applicants for the teacher tuition assistance plan, and to obtain visas for the foreign teachers who accept employment in the KCMSD as a result of the magnet school plan. The manager of employment services for the magnet schools stated that these tasks, in addition to her other duties, required her to work an average of 14 hours per day. The Court finds that an additional technician is necessary and the Court approves the position of a personnel technician at a total cost of $26,079 for 1988-89, including fringe benefits, with a 5% inflation increase per year through 1991-92 for a salary adjustment should the KCMSD chose to grant such increases.

*College Stipend Fund*

The long-range magnet school plan provides for a college stipend program by which KCMSD would pay all or part of the tuition expenses of full-time undergraduate or graduate students in return for a promise by the students to teach in KCMSD schools for two or three years upon graduation. The budget for this program is $200,000 for 1986-87, $400,000 for 1987-88 and 1988-89, $300,000 for 1989-90 and $200,000 for 1990-91 and 1991-92. Due to the timing of the long-range magnet school order, the KCMSD claims that none of the $200,000 allocated for 1986-87 was expended. KCMSD also states that it will expend no more than $25,000 of the budget for the school year 1987-88. As a result, the plaintiffs propose that these unexpended funds be carried forward and that the budget in the long-range plan be modified to $0 in 1986-87, $25,000 in 1987-88, $500,000 in 1988-89, $400,000 in 1989-90, $400,000 in 1990-91, and



$375,000 in 1991-92, for a total budget of $1,700,000. This modification results in no net increase in cost to the parties for implementation of this component of the desegregation order. The State and the KCMSD are in favor of this modification and therefore the Court approves the modification as proposed.

For the reasons set forth in its order of July 6, 1987 at pp. 13-15, the Court orders that the State and the KCMSD are jointly and severally liable for the entire budget for 1988-89, except those costs that the Court specified are to be borne solely by the KCMSD, with the contribution between the two constitutional violators to be 75% by the State and 25% by the KCMSD.

Following are summaries of the 1988-91 desegregation budgets approved by the Court.

## 1988-89 Desegregation Budget

| | Total | KCMSD'S Contribution | State's Contribution |
|---|---|---|---|
| District Communications | 30,350.00 | 7,587.50 | 22,762.50 |
| Research and Evaluation | 89,980.00 | 22,495.00 | 67,485.00 |
| Staff Development /Human Relations | -0- | -0- | -0- |
| Administrative Reorganization | -0- | -0- | -0- |
| Interest Payments (Includes $604,638 from 1987-88) | 1,488,668.00 | 1,488,668.00 | -0- |
| Desegregation Monitoring Committee | 266,854.00 | 66,713.50 | 200,140.50 |
| Effective Schools | 6,680,000.00 | 1,670,000.00 | 5,010,000.00 |
| Reduction in Class Size | 8,787,191.00 | 2,196,797.70 | 6,590,393.30 |
| Summer School 1988 (State's Contribution reflects credit for summer school 1987) | 1,249,571.00 | 312,392.75 | 596,865.25 |
| Full Day Kindergarten | 1,773,185.00 | 443,296.25 | 1,329,888.75 |
| Extended Day | 600,000.00 | 150,000.00 | 450,000.00 |
| Early Childhood Education | *4,089,024.00 | 1,022,256.00 | 3,066,768.00 |
| Base Budgets | *7,175,298.00 | 1,793,824.50 | 5,381,473.50 |
| 1986-87 Magnets | *14,241,784.00 | 3,560,446.00 | 10,681,338.00 |
| AAA | 5,908,298.00 | 2,771,424.50 | 3,136,873.50 |
| Environmental Science Magnet Program | 70,000.00 | 17,500.00 | 52,500.00 |
| Magnet Personnel Techinician | 26,079.00 | 6,519.75 | 19,559.25 |
| Central High School Staff Positions | 87,000.00 | 21,750.00 | 65,250.00 |
| | *52,563,282.00 | 15,551,670.00 | 36,671,295.00 |
| Credit for 1987-88 interest payment by State | | | -264,796.00 |
| | | | 36,406,499.00 |

* to be reduced as set forth in the Court's Order.

No allocation is made between the KCMSD and the State for the years 1989-90 and 1990-91 because of the numerous open items.



| | 1989-90 | 1990-91 |
|---|---|---|
| District Communications | 30,725.00 | 31,125.00 |
| Research and Evaluation | 5,060.00 | 5,414.00 |
| Staff Development/ Human Relations | -0- | -0- |
| Administrative Reorganization | -0- | -0- |
| Interest Payments | 833,380.00 | 788,067.50 |
| Desegregation Monitoring Committee | open | open |
| Effective Schools | 7,300,000.00 | 7,500,000.00 |
| Reduction in Class Size | 8,787,191.00 | 8,787,191.00 |
| Full Day Kindergarten | 1,773,185.00 | 1,773,185.00 |
| Extended Day | open | open |
| Early Childhood | open | open |
| Base Budgets | open | open |
| 1986-87 Magnet Schools | open | open |
| AAA | 6,233,608.00 | 6,574,673.00 |
| Central High School Computer Staff Positions | 91,350.00 | 95,915.50 |
| Personnel Technician in the Magnet Personnel Office | 27,383.00 | 28,753.00 |
| *Summer School 1989 | 1,793,397.00 | |
| *Summer School 1990 | 1,886,663.00 | |
| *Summer School 1991 | 1,992,795.00 | |

*to be reduced as set forth in the Court's order.

The Desegregation Monitoring Committee has informed the Court of internal disagreements among certain KCMSD board members concerning the awarding of jobs and construction contracts necessitated by the remedial plan to minorities. The sole purpose of the Court's desegregation plan is to eliminate the vestiges of the unlawful segregation caused by the State of Missouri and the KCMSD. Establishment of a quota regarding

the awarding of jobs and contracts to women or minorities is beyond the scope of the desegregation plan and will not be allowed to interfere with the effective implementation of the Court's remedial orders. The Desegregation Monitoring Committee is specifically charged with monitoring this aspect of the plan.

Accordingly, it is hereby

ORDERED that the Court approves the 1988-89, 1989-90 and 1990-91 desegregation budgets as set forth in this order; and it is further

ORDERED that the KCMSD is directed to submit to the Court modified budgets for year 1988-89 for the early childhood education program, the base budgets, and the 1986-87 magnets; and it is further

ORDERED that the KCMSD is to submit amended budgets for the 1989, 1990, and 1991 summer school programs.

/s/ Russell G. Clark
RUSSELL G. CLARK,
CHIEF JUDGE
UNITED STATES
DISTRICT COURT

Dated: July 25, 1988



## APPENDIX J

IN THE UNITED STATED DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

No. 77-0420-CV-W-4

KALIMA JENKINS, et al.,
Plaintiffs,

vs.

STATE OF MISSOURI, et al.,
Defendants.

## ORDER

[Filed: July 5, 1989]

On May 9 through May 12, 1989, the Court conducted a hearing regarding the KCMSD's motion for approval of a desegregation plan for 1989-90. Plaintiffs also moved for program and budget modifications of prior remedial orders. The KCMSD filed a motion to amend its previous motion for approval of a desegregation plan for 1989-90. The KCMSD's motion to amend will be granted. In addition, the parties filed post-hearing briefs in support of and in opposition to the KCMSD's and plaintiffs' motions. Based upon the evidence presented at the hearing and the filings with the Court, the Court will grant the KCMSD's motion for approval of a desegregation plan for 1989-90 and plaintiffs' motion for program and budget modifications of prior remedial orders as set forth in this order. The State filed a motion to strike plaintiffs' reply brief. Plaintiffs filed suggestions in opposition to the State's motion to strike. The State's motion to strike will be denied. The Court will make DMC appointments for two year terms beginning July 1, 1989, as set forth in this order.

## *KCMSD'S MOTION FOR APPROVAL OF A DESEGREGATION PLAN FOR 1989-90*

### *AAA*

In its order of July 25, 1988, this Court approved a 1989-90 AAA budget of $6,233,608 with the KCMSD solely responsible for $1,842,048 for AAA resources and maintenance. *Jenkins* v. *State of Missouri*, Order of July 25, 1988, at 21-24 (W.D. Mo. 1988). The KCMSD now proposes two modifications in the AAA component for 1988-89 resulting in a slightly reduced budget request of $6,231,123. First, the KCMSD requests that one of the AAA librarians originally approved at the high school level be allocated among the four special schools because such schools previously have not had the services of a librarian. The KCMSD states that based on high school enrollment projections for 1989-90, the KCMSD will need only 12 of the 13 Court-approved high school librarians in order to retain AAA status. A June 17, 1988, letter from the State informing the KCMSD that it had received an AAA rating for 1987-88 contained the following:

> ADVISEMENTS: The following advisements relate to standards which are not being fully met for the specific classification rating. These items should be corrected and fully met before the next school year opens unless a previous agreement for progressively planned improvement has been made with the Supervisor of Instruction:
>
> * * *
>
> V-3 The services of a qualified learning resource director or librarian should be provided at least one-fourth time in the high school. (Fairview Alternative)

KCMSD Exhibit 2 at 2. A May 19, 1989, letter from the State informing the KCMSD that it had received an AAA rating for 1988-89 contained the following advisement: "Support services



at all special and alternative schools should be provided." KCMSD's Reply to State and AFT 691's Post-Hearing Memoranda Regarding Year 5 Desegregation Budget Proposal, Exhibit A at 2. As a result, the Court will approve the allocation of one of the AAA high school librarians among the four special schools. The KCMSD's second proposed modification is a minor reduction in the AAA budget for library resources due to a refinement in the mathematical calculations. The Court will approve such reduction. Therefore, the Court will approve an AAA budget of $6,231,123 in 1989-90 with the KCMSD solely responsible for $1,842,048 for AAA resources and maintenance.

### *1986-87 Magnet Schools*

In its order of July 25, 1988, the Court approved a 1988-89 budget of $14,241,784 for the 1986-87 magnets but stated that it would allow the State a credit for base costs necessary to operate a traditional program at each school. *Jenkins*, Order of July 25, 1988, at 19-21. The Court also refused to approve a proposed budget of $14,966,072 for 1989-90 "because these figures are also to be revised to reflect only the magnet costs of these schools for those years." *Id.* at 21. The KCMSD subsequently submitted a budget for 1988-89 delineating between base operating costs and incremental magnet costs. The Court refused to approve the budgets "without further justification that the items identified by the State in its response are properly allocated 100% to theme costs." *Jenkins*, Order of April 3, 1988, at 5. The KCMSD's budget request for the 1986-87 magnets for 1989-90 is $14,805,851, slightly lower than the previous request of $14,966,072 for 1989-90 due to an anticipated enrollment reduction at Hartman and Swinney and a refinement in the mathematical calculations for AAA library resources.

The State argues that the 1986-87 magnet budget components should not be addressed by the Court until the KCMSD has satisfied this Court's order of April 3, 1989. The KCMSD counters that the only issue is whether the 1989-90 budget is

reasonable and that the KCMSD will comply with the Court's April 3, 1989, order in a separate brief. This Court has previously found that the 1986-87 magnets have been successful in desegregating and improving student achievement. *Jenkins*, Order of July 25, 1988, at 19. Therefore, the Court finds that the proposed budget of $14,805,851 for 1988-89 is reasonable and will approve such budget as a desegregation expense, but will allow the State a credit in the amount of the base costs necessary to operate a traditional program at each school against the amount of their total desegregation obligation for 1989-90. The Court directs the KCMSD to submit budgets for the 1986-87 magnets for 1988-89 and 1989-90 delineating between base operating costs and incremental magnet costs with appropriate justification for items allocated 100% to theme costs as required by the Court's order of April 3, 1989, on or before August 31, 1989. Therefore, the Court will not approve the KCMSD's proposed 1990-91 budget of $15,706,549 at this time.

*Effective Schools*

The Court approved an effective schools budget of $7,300,000 for 1989-90 in its order of July 25, 1988. *Id.* at 7. The KCMSD now requests a $275,000 reduction in the previously approved budget resulting from changes in projections of minority enrollment and program modifications. The State does not challenge the KCMSD's proposal. Therefore, the KCMSD's proposed budget for 1989-90 for effective schools of $7,025,000 will be approved.

*Base Budgets*

The KCMSD proposes a base budget component of $9,594,079 for 1989-90. The State does not oppose this proposal. The Court will approve the base budget component of $9,594,079 as a desegregation expense. However, the State will be allowed a credit for the amount of costs avoided elsewhere as addressed by the Court in its order of May 24, 1989. The Court directs the



KCMSD to submit the amount of costs avoided elsewhere for 1988-89 to the Court on or before August 31, 1989 and for 1989-90 as soon as they are available.

*Early Childhood Education*

Pursuant to this Court's order of July 25, 1988, the KCMSD and the State have cooperatively developed the 1989-90 early childhood education program. *See id.* at 16-17. The result is a proposed 1989-90 budget of $3,607,545, which is $481,479 less than the 1988-89 budget approved by the Court. *See id.* at 18. The Court will approve the 1989-90 budget of $3,607,545.

*Extended Day*

The Court previously approved a $600,000 extended day budget for ten traditional schools for 1988-89, but refused to approve budgets for 1989-90 and 1990-91 stating that the Court would consider those budgets "only after an evaluation of the success of the ITBS scores for 1987-88 and the 1988-89 program as approved by the Court." *Id.* at 16. For 1989-90 the KCMSD proposes that the extended day program continue at six of the ten schools where it is currently operating and requests a budget of $405,000. The State argues that the KCMSD has failed to present evidence regarding the success of the program as required by this Court's order of July 25, 1988.

Testimony at the hearing overwhelmingly indicated that parents and teachers favor the extended day program and that the program teaches children social skills, enhances desegregation and increases academic performance. In 1988-89 39% of the students in before school programs, 37% of the students in after school supervision programs and 34% of the students in after school tutoring programs were nonminority students. KCMSD Exhibit 1 at § 4 p.3. These figures compare with 35%, 35% and 34%, respectively, for 1987-88. *Id.* The total number of students enrolled in the after school supervision and tutoring programs

has increased dramatically from 1987-88 to 1988-89, while enrollment in the before school program has remained almost constant. *Id.* Overall, total participation by nonminority students in the extended day program has increased from 33% in 1987-88 to 37% in 1988-89, while enrollment increased from 681 students in 1987-88 to 1,217 students in 1988-89. State's Exhibit 7 at 2. ITBS scores for 1985-86, 1986-87 and 1987-88 indicate a consistent trend of increased performance for students in the extended day program. KCMSD Exhibit 1 at § 4 p.5. Additionally, students participating in the 1987-88 extended day program consistently outperformed nonparticipants on the ITBS. *Id.* Achievement data for 1988-89 is not yet available because the achievement tests were not administered until April of 1989. (Tr. at 242). Thus, the KCMSD has presented evidence regarding the success of the program as required by this Court's order of July 25, 1988, and the Court finds that the evidence justifies the continuation of the extended day program at the six traditional schools.

The State argues that a $405,000 budget request represents a 12.5% increase in the average per school budget for the program. The KCMSD's request consists of $250,000 for salaries, $85,000 for transportation and $70,000 for materials and supplies. KCMSD Exhibit 1 at § 4 p. 4. Salary costs were derived based upon the 1988-89 extended day enrollment at the six schools remaining in the program and include funding for the part-time extended day facilitator at each school. *Id.* Transportation costs were determined based upon the number of buses each school used for afternoon transportation five days a week in 1988-89. *Id.* Costs for materials and supplies were based upon projected enrollments for 1989-90 and expenditures of the six schools for 1988-89. *Id.* The Court finds that the extended day budget request for $405,000 is reasonable and, therefore, will approve such request.



*Full Day Kindergarten*

The Court previously approved a full day kindergarten budget of $1,773,185 for 1989-90 stating that "[i]f student enrollments justify increased or decreased funding for 1989-90 . . . , the Court will make an appropriate modification." *Jenkins*, Order of July 25, 1988, at 14. The KCMSD has not requested a modification of the previously approved budget for 1989-90 and believes that, based on enrollment projections, the budget is sufficient. The State argues that the KCMSD has not demonstrated that the previously approved budget is necessary to serve the number of students currently projected for 1988-89. The Court does not find it necessary to modify the previously approved full day kindergarten budget of $1,773,185 for 1989-90.

*Reduction in Class Size*

The Court previously approved a reduction in class size budget of $8,787,191 for 1989-90 stating that "[i]f student enrollments justify additional funding for 1989-90 . . . , KCMSD may move the Court for such funding." *Id.* at 8. The KCMSD did not request a modification in the previously approved reduction in class size budget. The State argues that the budget is excessive based on projected enrollments and that the State has long since exceeded the $12,000,000 funding obligation cap previously set forth by the Court. *See Jenkins*, 639 F.Supp. 19, 30 (W.D. Mo. 1985).

In its order of July 25, 1988, the Court placed a funding obligation on the State for 75% of the $8,787,191 class size reduction budget for 1988-89, which caused the State to exceed the $12,000,000 funding cap previously set forth by the Court. *See Jenkins*, Order of July 25,1988, at 7-9. The Court listed three reasons for allowing the funding cap to be exceeded in 1988-89: (1) maximum class sizes were not attained in 1987-88; (2) at the time of the 1985 order, the KCMSD was not operating middle schools nor did its high schools have a seven period day; and (3)

maximum class sizes must be maintained once achieved and nothing in the 1985 order precluded the Court from ordering the State to fund a share of the maintenance. *Id.* at 8. Although no evidence was presented at the hearing regarding the reduction in class size budget, the State claims that maximum class sizes were attained in 1988-89, that maximum class sizes were reached in the context of full implementation of middle schools and the seven period days and, finally, that the Court has previously recognized that maintenance is a KCMSD obligation. State's Post Hearing Memorandum Regarding Year 5 Desegregation Budget Proposal at 11 n.9. The KCMSD did not refute the State's claims except to quote from the Court's July 25, 1988, order that the 1985 order does not preclude the Court from ordering the State to fund a share of the maintenance for class size reduction. KCMSD's Reply to State and AFT 691's Post-Hearing Memoranda Regarding Year 5 Desegregation Budget Proposal at 4.

The Court recognizes that the State's original funding cap of $12,000,000 has been exceeded. Nonetheless, the Court imposed the $12,000,000 funding cap and, therefore, the Court has the discretion to increase the cap or to require State funding to further exceed the cap. Although the Court has previously recognized that it is not precluded from ordering the State to fund a share of the maintenance for class size reduction, the Court has also previously recognized that the KCMSD should be responsible for maintenance under the plan. *See Jenkins*, Order of July 25,1988, at 19; *Jenkins*, 639 F.Supp. at 41. The Court previously stated: "While the funds allocated by this Court for the purpose of reducing class size will provide significant assistance, the financial responsibility for reaching beyond these minimal goals and reaching toward educational excellence must be borne by the patrons of the KCMSD." *Id.* at 30. The Court believes it is time for the KCMSD to begin to bear the responsibility for maintenance of class size reduction goals achieved under the plan. Therefore, the Court will gradually increase the KCMSD's



funding responsibility for the class size reduction budget. The KCMSD will be responsible for 50% of the 1989-90 budget of $8,787,191, 75% of the 1990-91 budget and 100% of the 1991-92 budget. The Court realizes that the KCMSD may not have adequate desegregation funds to satisfy this funding obligation in total. To insure that funds are available for class size reduction, the State will be required to make up any shortfall in the KCMSD's funding obligation pursuant to joint and several liability and the revised drawdown procedure previously approved by the Court. *See Jenkins*, Order of January 3, 1989, at 4-5. However, for purposes of indemnity, the funding obligation is placed 50% on the KCMSD for 1989-90.

*District Communications*

The Court has previously approved a district communications budget of $30,725 for 1989-90. *Jenkins*, Order of July 25, 1988, at 1. The KCMSD does not seek a modification of the previously approved budget for 1989-90 and the State does not oppose the budget.

*Research and Evaluation*

The Court previously approved at 1989-90 budget of $5,060 for research and evaluation. *Id.* at 2. The KCMSD seeks no modification of the previously approved budget. The State argues that 70% of the budget constitutes repair and maintenance of computer equipment and that such costs should be borne solely by the KCMSD. The State argues that the 1989-90 funding level should be $1,444. State's Post Hearing Memorandum Regarding Year 5 Desegregation Budget Proposal at 16. The Court will adopt the analysis set forth in its order of July 25, 1988: "The Court finds that these expenditures are necessary and their cost reasonable and approves them as part of the desegregation budget for [1989-90]. *Jenkins*, Order of July 25, 1988, at 2.

*Summer School 1989*

The Court previously approved a summer school 1989 budget of $1,435,097. *Jenkins*, Order of April 3, 1989, at 2. The KCMSD does not seek a modification of that budget and the State does not oppose the budget.

*Debt Service*

The KCMSD requests that the Court recognize as a desegregation expense the KCMSD's full cost of debt service of the $10,000,000 bond issue for the KCMSD's share of the initial $37,000,000 in Court-ordered capital improvements. The KCMSD argues that the principal payments, like the interest payments, are a part of the KCMSD's cost of obtaining its share of funding for Court-ordered capital improvements under the remedial plan and, therefore, are proper desegregation expenditures. The State opposes the KCMSD's request. The Court will deny the KCMSD's request. The KCMSD has previously been given credit against its capital improvement obligations for the $10,000,000 bond issue principal. *See Jenkins*, 639 F.Supp. at 40-41.

*Latin Grammer Magnets*

The KCMSD seeks funding to provide two new uniforms for each student in the elementary Latin Grammer magnets and to provide periodic replacement of worn out and outgrown uniforms. The KCMSD requests a uniform budget of $47,680 for 1989-90, $39,360 for 1990-91 and $39,360 for 1991-92. The State argues that "it is not enough that the State is funding the education of KCMSD students; it now demands that the State clothe the students as well." Response of State Defendants to KCMSD Motion for Approval of Desegregation Plan 1989-90 and to Motion of Plaintiffs for Program and Budget Modifications of Prior Remedial Orders at 3.

The Long Range Magnet Plan ("LRMP") provides that "students will be required to wear a school uniform" at Latin



Grammer elementary magnets and that "[u]niforms will be provided by the District." LRMP at 117. Article IX, § 1(a) of the Missouri Constitution requires public schools to furnish "gratuitous instruction." The State interprets this constitutional provision to prohibit school districts from charging a fee for any aspect of a public education that is required by a district, (Tr. at 829-30), such as uniforms. Additionally, Ms. Marie Grant, the principal at Pinkerton Latin Grammer elementary magnet, testified that she could see the difference in the behavior of the students due to the uniforms, stating that the students were "more structured, and more ladylike and manlylike in their uniforms." (Tr. at 138). She also testified that parents like the uniforms because there is no competition among students with regard to clothing. (Tr. at 143). The Court will approve a 1989-90 budget of $47,680 for uniforms at the Latin Grammer elementary magnets and 1990-91 and 1991-92 uniform budgets of $39,360.

The KCMSD also seeks accelerated and increased funding for computers at the Latin Grammer elementary magnets. The KCMSD requests a 1989-90 budget of $173,700. The KCMSD states that budget lines for computers in the LRMP provide for 25 computers at Pinkerton and 20 computers at Garfield, but that these numbers are insufficient to meet the LRMP requirement of 4 computers in each classroom at the schools. The KCMSD states that 35 more computers are needed at Pinkerton and 64 at Garfield. Also included within the budget request are funds for networking computers with a computer lab. The State counters that the LRMP took into account computers that were already in use at each school or that were to be provided through other funding sources and, therefore, the funding provided under the LRMP is appropriate.

The LRMP states that "[e]ach classroom will house four microcomputers for individualized and/or networked courses." LRMP at 118. Pinkerton has 15 classrooms. Thus, to satisfy the LRMP Pinkerton needs 60 computers. The LRMP budget

provides funds for 25 computers, leaving a need for 64 computers. The Long Range Capital Improvements Plan ("LRCIP") calls for a computer lab at the Latin Grammer elementary magnets. Additional computers purchased with other funds for use in the labs should not be counted against the LRMP computer requirements. *See Jenkins*, Order of July 25, 1988, at 22. Testimony at the hearing indicated that these computers should be made available as soon as possible for one-on-one and group instruction of students on basics. (Tr. at 153-54). The Court will approve the 1989-90 budget request of $173,700 for computers at Latin Grammer elementary magnets.

*Visual and Performing Arts Magnets*

The KCMSD requests funding for additional art and music teachers and two Suzuki violin teachers at the Visual and Performing Arts elementary magnets in the amount of $174,394 for 1989-90, $183,114 for 1990-91, and $192,769 for 1991-92. These magnets are to emphasize the arts areas of music, art, theater and dance. The LRMP budget funds two arts teacher positions at each magnet and the site task forces decided that since music and art were currently offered by the KCMSD, the two arts teacher positions should be designated as theater and dance. The KCMSD argues that the additional music and arts teacher positions are needed to make the arts and music component of the magnets different from what is offered in the rest of the KCMSD. The State counters that the LRMP does not envision four separate teachers at the elementary level to teach art, music, theater and dance, but instead contemplates arts teachers to cover the whole range of the curriculum.

The LRMP provides that elementary classes grades K-2 will participate "in daily arts projects presented by the primary level arts teacher. Projects are designed for student exploration in dance, theater, music, and art. The homeroom teacher and *art teacher* will integrate the skills, concepts, and understandings of the core subjects and the arts projects." LRMP at 89-90 (emphasis added). Elementary students in grades 3-5 will be allowed to schedule "aesthetic" time daily allowing freedom to explore dance, theater, music and art. *Id.* at 90. Thus, it appears that the State's interpretation of the LRMP is correct; the LRMP does not envision four separate teachers at the elementary level to teach the four areas of art,music, dance and theater, but instead contemplates arts teachers to cover the range of the curriculum. This interpretation is supported by the LRMP's requirement for middle schools that "[e]ach student's schedule reflects arts time daily, much the same as the intermediate unit, *but the instructor is always an arts specialist.*" *Id.* (emphasis added). The KCMSD argues that students at the Visual and Performing Arts elementary magnets currently only receive one hour of art and one hour of music instruction per week, which provides only the most basic program. However, testimony at the hearing indicated that elementary students only receive one hour of drama and one hour of dance instruction per week even with the two LRMP arts teacher positions designated as theater and dance. (Tr. at 531). This was in addition to playing a musical instrument two hours per week. (Tr. at 528, 529). Thus, the Court is not convinced that the additional art and music teachers are necessary under the LRMP and will not approve such teachers.

The KCMSD also requests funds for two Suzuki violin teaches for Suzuki classes required to be offered as an elective by the LRMP. The KCMSD argues that Suzuki instruction resulted in more student/parent interest in the program than could be accommodated, with a waiting list at all four elementary schools. The State counters that the KCMSD has not demonstrated a need for additional desegregation funding for Suzuki teachers and that Suzuki is simply an elective for students with no requirement that every student expressing an interest be given a chance to take it.

The LRMP provides that Suzuki violin be offered as an elective at the elementary magnets. LRMP at 90. During the

1988-89 academic year one Suzuki teacher visited each of the four magnets every day because the Suzuki method requires multiple weekly sessions with parents and students. Suzuki is attractive to parents, requires parent participation and induces a higher level of thinking that carries over into the classroom. (Tr. at 472-73, 524-25). There is a waiting list for Suzuki at all four Visual and Performing Arts elementary magnets and parents have less interest in enrolling students in the magnets when Suzuki classes are filled. (Tr. at 474-75). The Court will approve the funding of two Suzuki teachers under the LRMP, as Suzuki provides desegregative attractiveness to the elementary Visual and Performing Arts magnets. However, because the KCMSD combined its budget request for Suzuki teachers with the request for art and music teachers, the Court cannot ascertain the budget necessary for the Suzuki teachers. The KCMSD is directed to submit a budget request for the certified Suzuki teachers for 1989-90 on or before August 31, 1989.

*Defensive Driving Program*

The KCMSD requests funding of $55,883 for 1989-90, $2,830 for 1990-91 and $2,830 for 1991-92 for a defensive driving program in the Law, Public Service and Military magnet at Northeast High School. The KCMSD argues that the program is designed to support the magnet themes at Northeast High School and will provide career exploration in law enforcement and public service. The State argues that the program is misguided and bears no relationship to law and public service.

The KCMSD's proposal states that the purpose of the course is "to familiarize students with the proper procedures for operating and maintaining emergency vehicles and public safety vehicles used in the metropolitan area and to assist students in developing minimum skills necessary to obtain jobs within the law and public service field and the military." KCMSD Exhibit 1 at § 11 p. 12. However, testimony at the hearing indicated that defensive driving skills are not relevant to hiring decisions in the



law and public service areas. (Tr. at 713, 726-27, 752, 755-56, 772-74). Such skills are taught to new recruits in the law and public service areas even if the recruit has previously had such training. (Tr. at 714-15, 728, 774). Although the defensive driving program contains a vehicle maintenance component, law and public service agencies do not teach maintenance to recruits, but instead send the vehicles to a maintenance center for care. (Tr. at 717, 729-30). Witnesses agreed that they would be against the teaching of defensive driving to high school students. (Tr. at 718, 753-54). Additionally, safety of the students is a concern. (Tr. at 756). Based on the evidence introduced at the hearing, the Court cannot approve the defensive driving program.

*Magnet Extended Day*

The KCMSD requests budgets of $500,000 for 1989-90, 1990-91, and 1991-92 for extended day programs at Pinkerton, Knotts, Attucks, Garfield and Troost magnets. The State argues that the KCMSD has failed to present evidence regarding the success of the program as required by this Court's order of July 25, 1988. Additionally, the State argues that the KCMSD's request is inappropriate under the LRMP because it would place an extended day program at every elementary magnet school.

The Court addressed the State's argument regarding evidence on the success of the extended day program previously in this order and determined that the KCMSD had presented evidence as required by this Court's order of July 25, 1988. *See supra* pp. 5-6. However, the LRMP provides that *"[s]ome* elementary magnets will offer an extended day program." LRMP at 56 (emphasis added). The State argues that the KCMSD requested funding for extended day programs at all schools becoming magnets in 1989-90 as well as at each of the elementary schools proposed for new themes, and that when this request is combined with extended day funding already provided under the LRMP, there will be an extended day program at every elementary

magnet school in contravention of the LRMP. The KCMSD previously requested funding for extended day programs at Knotts and Pinkerton. The Court responded:

> First, the long-range magnet plan proposed by the KCMSD and approved by this Court does not provide an extended day program at Knotts and Pinkerton Elementary Schools. The Court finds, as the drafters of the long-range magnet plan certainly believe, that it is the specific magnet programs at these schools that must attract the non-minority students. Furthermore, due to the limited success of the extended day program, the Court cannot rely on it to desegregate the KCMSD and therefore will deny the KCMSD's request for additional funding for extended day programs at Knotts and Pinkerton at this time.

*Jenkins*, Order of August 29, 1988, at 3. Once again, the Court adopts this analysis and will not approve the KCMSD's request for extended day programs at Pinkerton, Knotts, Attucks, Garfield and Troost magnets at this time.

*AVATS*

The KCMSD requests that the Court approve deferring the opening of the magnet program at the Advanced Vocational and Techinical High School ("AVATS") from 1989-90 to 1990-91. The KCMSD states that the AVATS building needs to be vacated for 1989-90 to permit additions and renovations and that the program cannot begin in an annex due to the difficulty and cost involved in purchasing equipment, installing it in the annex and then returning it to its permanent location. The KCMSD also requests the following budget realignment resulting in no cost increase for the program: $3,164,068 for 1989-90, $3,079,907 for 1990-91, and $2,673,070 for 1991-92. The State argues that the KCMSD proposed the AVATS renovations nearly three years ago but failed to explain why the capital improvements are



not yet underway, that the AVATS site task force has been in place for nearly two years but a curriculum has not been developed and that no principal has been hired.

Mr. Willy Giles, assistant superintendent supervising the planning of the AVATS magnet program, testified that there was no way the AVATS facility would be ready for students by September of 1989. (Tr. at 66). Thus, the Court has no choice but to grant the KCMSD's request for deferral of the opening of the AVATS magnet school, as denial of the request would cause the magnet program and the students to suffer. However, the tragic result of the situation is that the children who are students in the KCMSD suffer the most as a result of the KCMSD's poor planning process. The Court warns that those persons responsible for the AVATS planning process may be held in contempt of Court if the planning process for the AVATS is not improved and the AVATS magnet program is not implemented as planned in 1990-91. Additionally, the Court warns that if proper planning does not occur, desegregation funds will not be approved for the AVATS. With this in mind, the Court will approve the deferral of the opening of the AVATS and the realigned budget as proposed by the KCMSD.

*Music Accompanists*

The KCMSD seeks funding for three music accompanists at the Kansas City School of the Arts and proposes a budget of $37,875 for 1989-90, $39,769 for 1990-91 and $41,758 for 1991-92. The KCMSD argues that these positions support the theme by permitting teachers to focus exclusively on instruction during classes and rehearsals, by supporting the choral, instrumental and dance programs during the regular school day and by providing group and individual instruction during and after school. The State did not challenge the KCMSD's proposal. The Court will approve the budget for music accompanists as proposed by the KCMSD.

*Unthemed Magnets*

In phases VI and VII of the LRCIP there are three elementary schools and two middle schools for which no themes have been provided. The KCMSD proposes that the elementary schools be themed as Latin Grammer ("Elementary I"), Reading and Language Arts Academy ("Elementary II"), and Environmental Science ("Elementary III"), and that the middle schools be themed as an Arts and Science Academy ("Middle I") and Classical Greek ("Middle II"), with the Classical Greek theme being shifted from Northeast Middle School to Middle I. The KCMSD proposes that Northeast Middle be themed as Global Studies. Finally, the KCMSD requests that the Gifted and Talented theme of Southeast Elementary III be deferred to a later phase to permit the KCMSD to review the overall gifted and talented program, with Southeast III being themed a Montessori magnet. To provide these themes, the KCMSD requests a 1989-90 budget of $1,886,040, a 1990-91 budget of $3,050,947 and a 1991-92 budget of $3,022,064.

The State argues that Elementary I, II and III were proposed by the KCMSD and ordered by the Court under the LRCIP as traditional schools, not magnet schools. The State argues that a three page chart setting forth proposed funding allocations the KCMSD submitted to the Court in conjunction with its Motion for Approval of the Long Range Capital Improvements Plan indicates that Elementary I, II and III were ordered as traditional schools. *See* States Post Hearing Memorandum Regarding Year 5 Desegregation Budget Proposal at Attachment 5. The State argues that the chart indicates that the three schools were not designated as magnets and that the proposed 75/25 allocation for the schools on the chart is consistent with the allocation proposed by the KCMSD for nonmagnet work. *Id.* at 18 n.18. The State concludes that maintaining these schools as traditional schools is consistent with the LRMP directive that half of the KCMSD's elementary schools remain as traditional schools. The KCMSD



did not refute the State's argument, but instead stated that "[t]he more serious flaw with the State's argument is that it fails to explain how these schools will draw desegregated enrollments as traditional schools." KCMSD's Reply to State and AFT 691's Post-Hearing memoranda Regarding Year 5 Desegregation Budget Proposal at 11.

The LRMP provides that while every senior high and middle school will become a magnet school, "[a]pproximately half of the elementary schools either will become complete magnets or will have a magnet them." LRMP at 1. The Court is not convinced that Elementary I, II and III were ordered as magnet schools and, therefore, will not approve the KCMSD's request to provide magnet themes for these schools at this time. However, the Court will request that the parties file further briefs on the issue of whether Elementary I, II and III were ordered as magnet schools under the LRMP or the LRCIP on or before August 31, 1989.

The State opposes the KCMSD proposal for an Arts and Sciences magnet theme at Middle I arguing that the desegregative attractiveness of the theme has not been established and that the theme describes an ordinary middle school. Dr. Ronald Simpson, director of school management for the KCMSD, testified that the theme is designed "to create an exceptionally good liberal arts middle school that has a humanities orientation that tends to take the middle school child and teach that student the things that we think they need to teach the way they learn, not particularly the way it is convenient for us to teach." (Tr. at 347). A member of the SAC for Middle I testified that elementary students in the Applied Learning Center magnets had no middle schools in which to enroll that were multi-disciplinary with broad liberal arts concepts. (Tr. at 430-31). Middle I is designed to be a feeder school into the Visual and Performing Arts High School, the engineering program at Van Horn High School, and the Southwest Math and Science High School. (Tr. at 350). Although Dr.

Terry Stewart testified that the Arts and Science Academy was a "common, ordinary, good, sound, basic middle school" with a new approach to the government of the school, (Tr. at 792,793), the Court finds that the Arts and Science Academy is an appropriate magnet theme. The theme uses a unique teacher center concept and will provide students an in depth arts and sciences curriculum. *See* KCMSD Exhibit 1 at § 11 pp. 32-33. The Court will approve the Middle I Arts and Sciences theme and will also approve the proposed budgets of $537,184 for 1989-90, $890,690 for 1990-91 and $852,350 for 1991-92.

The State argues that Court approval of moving the middle school Classical Greek theme from Northeast Middle School to Middle II at the Jewish Community Center should be withheld pending KCMSD's elaboration on the necessary additions, renovations and costs. Although the Jewish Community Center would require adaptations and addition of classrooms, it would be much more cost effective to implement the Classical Greek theme there than at Northeast. (Tr. at 427-28); KCMSD Exhibit 1 at § 11 p. 35. Locating the program at Northeast would require the acquisition of two city blocks currently containing housing and a school, while locating the program at the Jewish Community Center would require no property acquisition. (Tr. at 352-53). Additionally, the Northeast Middle SAC felt that the Classical Greek theme was inappropriate for the area due to the necessity of land acquisition. (Tr. at 438). Thus, the Court will approve the shifting of the Classical Greek theme from Northeast Middle School to Middle II.

The State opposes the KCMSD's proposed Global Studies theme at Northeast Middle by arguing that the proposal is vague and poorly planned. The Global Studies them is based upon social studies with a strong foreign language component. (Tr. at 355). Students can also place an emphasis on governmental studies and geography. KCMSD Exhibit 1 at § 11 p. 37. This theme will allow students from the elementary foreign language



program to exploit the fact that they do know a foreign language. (Tr. at 356-57, 449). As there are no foreign language high schools, the Global Studies theme will be a feeder program for the International Studies program at Southeast High School and the Law and Public Services program at Northeast High School. (Tr. at 356-57, 449); KCMSD Exhibit 1 at § 11 p. 37. Parents and teachers believe the Global Studies theme is ideal for Northeast, (Tr. at 438-39), and with thirteen different nationalities represented at the school the program is appropriate (Tr. at 453-52). The Court will approve the Global Studies theme at Northeast Middle. The Court will also approve the following Global Studies them budgets proposed by the KCMSD: $477,184 in 1989-90, $805,690 for 1990-91, and $792,350 for 1991-92.

The State has three bases of opposition to the KCMSD's proposal to defer the Southeast Elementary II Gifted and Talented theme to a school in a later phase and to replace the theme with a second Montessori school at Southeast III. First, the State argues that the KCMSD is facing a shortage of appropriately certified Montessori staff; second, the State believes it is unnecessary to assign the Gifted and Talented theme to a school to be opened in a later phase; and third, the State argues that the Montessori school will reduce the capacity of Southeast III, but the KCMSD has not indicated how this will affect overall capacity and building needs. The KCMSD is currently studying the gifted and talented program and would like to consider the gifted and talented magnet at the same time. (Tr. at 342). The Montessori theme has been very attractive and successful in desegregating at New Faxon. (Tr. at 342, 425, 460-61). Mr. Frank Vincent, the principal at New Faxon, testified that he agreed with the KCMSD's request for another Montessori program and that it would help the KCMSD meet its desegregation needs and the needs of the children. (Tr. at 461). The LRMP states that "data on initial enrollment at the Montessori . . . elementary [magnet] may indicate that [it] should be replicated or modified." LRMP at 6. The Court will approve the deferral

of the Southeast III Gifted and Talented theme to a school in a later phase and the replacement of that theme with a Montessori theme at Southeast III. The Court will approve the following budgets proposed by the KCMSD for the Montessori theme: $182,293 for 1989-90, $487,027 for 1990-91 and $554,429 for 1991-92.

## *PLAINTIFFS' MOTION TO MODIFY PRIOR REMEDIAL ORDERS*

### *Martin Luther King, Jr., Middle School*

Plaintiffs request a one-year delay in the scheduled September 1989 opening of the Latin Grammer middle magnet at Martin Luther King, Jr., Middle School to enable the KCMSD to complete educational planning and to execute an effective recruiting campaign. The KCMSD responded with a proposal to open King in 1989-90 at an annex with only a sixth grade for 125 students to provide continuity for fifth grade students at Pinkerton Latin Grammer Elementary. Plaintiffs agreed to the KCMSD's proposal. The DMC declined to support the opening of the King Middle sixth grade at its May 18, 1989, meeting. DMC Letter of May 18, 1989, to the Court at 3.

The Court cannot approve the proposal to open the sixth grade at King Middle School. As of May 31, 1989, only 15 students were expected to enroll at the King sixth grade in 1989-90 while the school's capacity is 125 students. Magnet School Placement Status Report of May 31, 1989. The KCMSD filed a supplemental memorandum on June 26, 1989, indicating that 35 students were expected to enroll at King in 1989-90. KCMSD's Supplemental Memorandum Regarding Martin Luther King, Jr. Latin Grammer Sixth Grade Center at 3. To attempt to open such an underutilized facility would result in a waste of time, effort and expense by all involved. The problems and delays in the opening of King are the result of poor planning by the KCMSD and a lack of continuity in the KCMSD personnel involved with King. Dr.



Joan Caulfield, assistant superintendent who worked on the King sixth grade proposal, testified that she had only become aware of the difficulty at King in attracting a desegregated enrollment two or three weeks prior to the hearing and that she would be leaving the KCMSD on June 30, 1989. (Tr. at 190, 193, 201). The Court has expressed concerns regarding the KCMSD's planning process at the hearing and previously in this order. *See supra* p. 16. The Court stated at the hearing:

> And what has occurred is we have penalized some 625 students through lack of proper planning, is that about it? Had we opened that sixth, seventh and eighth grade middle school we would have had 850 or 900 students? . . . Well, somewhere along the line, someone in the administration of the Kansas City School District should have recognized that there was not proper planning being done. . . . What I am trying to do, I am trying to point out this sort of thing has got to be eliminated. . . . There is someone in the Kansas City School system that should know where that responsibility lies.

(Tr. at 205-07). Such poor planning cannot be tolerated any longer.

Dr. Caulfield testified that it would be "extremely difficult" to fully open King in 1989-90. (Tr. at 196). Therefore, the Court has no alternative but to reluctantly grant the plaintiffs' original proposal for a one-year delay in the opening of King. The KCMSD is directed to submit to the Court proposed budgets for King for 1989-90, 1990-91 and 1991-92 on or before August 31, 1989. Once again, the Court warns that those person responsible for the King Middle School planning process may be held in contempt of Court if the planning process for King is not improved and grades six through eight are not implemented as planned at King in 1990-91. If proper planning does not occur, desegregation funds will not be approved for King.

*Salary Study*

Plaintiffs propose a comprehensive study of the salary rates and structure by which the KCMSD compensates certified and non-certified employees arguing that the salary structure may be impeding the KCMSD's ability to implement the desegregation plan. The State counters that the KCMSD's personnel problems may be unrelated to salaries. Dr. Stewert testified that the study needs to be more thorough and include job satisfaction, professional working conditions, environment and fringe benefits. (Tr. at 804). The study should also analyze the tuition reimbursement program, staff development, reduced class time, etc. (Tr. at 805). Subsequently, plaintiffs proposed to amend their motion to incorporate Dr. Stewert's [sic] suggestions. Plaintiffs request that the study be conducted by an independent organization with the contract awarded and administered by the DMC. Plaintiffs request that the DMC be allowed to submit a proposed budget to the Court.

It is apparent that the KCMSD has had difficulty in both hiring and retaining qualified personnel. *See, e.g.*, Plaintiffs' Exhibit 1 at 2-3; (Tr. at 190, 504, 516). Although Dr. Stewert testified that such problems are not unique to the KCMSD, (Tr. at 803), such problems do affect the desegregation plan.

> There are . . . instances where the KCMSD has experienced difficulty in hiring teachers and administrators needed to implement the desegregation orders, due, in significant part, to salary considerations.
>
> * * *
>
> It is difficult to determine to what extent the KCMSD may have been impaired by salary considerations in its ability to implement the desegregation orders. However, it is reasonable to conclude that there has been some impairment resulting from salary factors. Much of the anecdotal



> information . . . describes difficulties in hiring and/or retaining administrators in magnet schools during the magnet planning period or in the critical first two years of implementation.

Plaintiffs' Exhibit 1 at 3. The KCMSD School Board is concerned about is ability to implement the desegregation plan in light of the salary structure. (Tr. at 503-04). Dr. Stewart testified that the KCMSD frequently should conduct an analysis of its ability to attract and retain professional staff. (Tr. at 803). Because such an analysis will affect the implementation of the desegregation plan, the Court will approve plaintiffs' request for a study of the KCMSD's ability to hire and retain staff. The study is to be conducted by an independent organization and to be administered by the DMC. The DMC is directed to submit a proposed budget to the Court for approval as soon as the necessary information can be obtained and compiled.

*New Positions*

Plaintiffs propose the creation of two positions for a greenhouse technician and an animal technician for 1989-90 and two positions for a science librarian and a planetarium manager for Southwest High School in 1990-91. Plaintiffs argue that the greenhouse technician is needed to supervise and maintain the eight greenhouses mandated by the LRMP. The State opposes the position by arguing that existing curriculum coordinators, resource teachers and staff can operate the greenhouses. Each greenhouse is very different and each contains a variety of things that can go wrong. (Tr. at 540, 634, 647). No one is responsible for taking care of the greenhouses during the summer and on weekends and holidays. (Tr. at 541, 634-35). A greenhouse technician could alleviate these problems and allow the greenhouses to be utilized to their fullest extent by teachers and students. The technician can also help the KCMSD avoid costly greenhouse repairs, possibly resulting in an overall total savings to the KCMSD. The Court will approve the creation of the

position of greenhouse technician and will also approve plaintiffs' proposed budget of $31,250 for the position.

Plaintiffs argue that an animal technician is needed to help supervise and maintain the LRMP animal facilities, to develop the LRMP Zoo Education Project and to work with the "critter program." The State argues that animal care should be provided by previously funded KCMSD personnel or volunteers. The KCMSD must comply with city codes and government regulations regarding animal care. (Tr. at 548-50). A technician could assure that the KCMSD complies with all codes and regulations and could also diagnose and care for sick animals, (Tr. at 551, 601-02), along with providing general care for the animals. The technician would be responsible for the care of the animals during the summer and on weekends and holidays. Additionally, a technician can provide economy and efficiency in the procurement of animals, food, bedding and housing. (Tr. at 621-22). The Court will approve the creation of the position of animal technician and will also approve plaintiffs' proposed budget of $31,250 for the position.

Plaintiffs argue that a science librarian is necessary for 1990-91 at Southwest High School because the science library mandated by the LRMP is separate from the main library and, therefore, one librarian cannot oversee both libraries simultaneously. The State counters that the LRMP did not intend for a separate science library to be constructed and that other school personnel can service the library with the help of one librarian. The science library is located near the science labs on a different floor than the main library and in the opposite corner of the building. (Tr. at 553, 649). Two librarians would be required to keep both libraries open at the same time. (Tr. at 554A, 649, 654, 671). The science librarian can also aid students in science and math research. (Tr. at 554). The Court will approve the position of science librarian at Southwest and will approve the proposed 1990-91 budget of $39,000. Nonetheless, it does appear to the



Court that the two separate libraries at Southwest are somewhat inefficient. The Court cautions that in the future more efficient planning is necessary for such capital improvements; otherwise, desegregation funds for such inefficiencies will not be approved.

Plaintiffs request funding for the position of planetarium manager at Southwest High School in 1990-91 arguing that the position is necessary for operating the expensive planetarium equipment, developing demonstrations and presentations and caring for and maintaining the equipment. The State counters that staff development funds could be used to train existing personnel to operate the planetarium. A planetarium manager could design planetarium programs and know the technical aspects of the equipment. (Tr. at 559, 561, 661-62, 673). The manager could also take care of and maintain the equipment. (Tr. at 662). The position would allow full utilization of the planetarium facilities. (Tr. at 561-62, 673). Ms. Marilyn Miles, a curriculum coordinator for the KCMSD who operated a planetarium for six years, testified that the planetarium could not be operated without a planetarium manager.(Tr at 661). The Court will approve the position of planetarium manager at Southwest and the proposed 1990-91 budget of $45,000.

## *DESEGREGATION MONITORING COMMITTEE*

### *Budget*

On many occasions the Court has emphasized the importance of the DMC to the Court and the desegregation plan. The DMC is an arm of the Court and has shown itself to be an effective and impartial group committed to achieving the goals outlined in this Court's desegregation plan. The Court will approve a DMC budget of $243,432 for 1989-90. The Court will approve a per diem budget component totaling $24,800, which consists of an increase in compensable hours to 180 hours for the general chairperson, 150 hours for committee chairpersons and 130 hours for committee members. A research budget of $54,200 is

approved, along with a $35,500 operating budget. The Court will approve a staff operating budget of $128,932, which includes a 5.1% salary increase and FICA payments.

*Appointments*

On June 15, 1989, the Court conducted interviews of nominees for the DMC for two year appointments to begin July 1, 1989. The Court makes the following appointments to the DMC:

*General Chairperson*
Eugene Eubanks

*Desegregation Subcommittee*
Dr. James Oglesby — Chairperson
Susan Stanton
Javier Perez

*Budget Subcommittee*
Kenneth Kraft — Chairperson
Pat Jordan
Tom Bixby

*Education Subcommittee*
Dr. Miguel Sancho — Chairperson
Deborah Neal
John Cozad

*Voluntary Interdistrict Transfer Subcommittee*
Carl DiCapo — Chairperson
Chuck James
Derek Holland

Although Mr. Ed Drake and Dr. Agapito Mendoza were not reappointed to the Education and Voluntary Interdistrict Transfer Subcommittees, respectively, the Court wishes to emphasize that this is in no way a reflection upon the performance of Mr. Drake or Dr. Mendoza. When the last DMC appointments were made, the Court inadvertently failed to appoint a state nominee



to the Education and Voluntary Interdistrict Transfer Subcommittees. As a result, the Court has appointed State nominees John Cozad and Derek Holland to the Education and Voluntary Interdistrict Transfer Subcommittees, respectively, to correct its past error. The Court wishes to express its gratitude to Mr. Drake and Dr. Mendoza for their DMC service.

*Southeast Elementary I*

At its meeting of May 24, 1989, the DMC moved to advise the Court to order the postponement of the implementation of the Southeast Elementary I Classical Greek program to the fall of 1990. DMC Letter of May 24, 1989, to the Court at 2. As of May 31, 1989, Southeast had an expected enrollment of 23 students with a capacity for 438 students. Magnet School Placement Status Report of May 31, 1989. Based upon these figures and the DMC's 10-0 vote in favor of postponing the opening of Southeast I, the Court does not believe that Southeast I can be successfully opened in 1989-90. Therefore, the Court will order that the opening of Southeast Elementary I be postponed until 1990-91. Based upon this ruling, the KCMSD is directed to submit proposed budgets for Southeast I for 1989-90, 1990-91 and 1991-92 to the Court for approval on or before August 31, 1989.

*STATE'S MOTION TO STRIKE*

The State filed a motion to strike plaintiffs' reply brief arguing that plaintiffs are attempting to bring in new evidence by affidavits after the hearing and that the State has not had an opportunity to examine plaintiffs' affiants on the matters discussed in their affidavits. Plaintiffs respond that the reply brief and affidavits are appropriate pursuant to Fed.R.Civ.P. 43(e). Fed.R.Civ.P. 43(e) provides: "When a motion is based on facts not appearing of record the court may hear the matter on affidavits presented by the respective parties, but the court may direct that the matter be heard wholly or partly on oral testimony or depositions." This

rule gives the Court discretion to choose between hearing oral testimony or taking affidavits in making factual judgments on the motion in question. *Murray* v. *Kunzig*, 462 F.2d 871, 878 (D.C. Cir. 1972), *rev'd on other grounds*, 415 U.S. 61 (1974). Thus, the Court may decline to accept affidavits that are offered and insist on oral testimony. *Id.* The Court will not decline to accept affidavits and insist on oral testimony in this instance. Therefore, the State's motion to strike plaintiffs' reply brief will be denied.

*CONCLUSION*

The budgets approved previously in this order shall be allocated 25% to the KCMSD and 75% to the State, unless provided otherwise, with joint and several liability. Following are summaries of the budgets approved by the Court:



**1989-90 Desegregation Budget**

| | Total | KCMSD'S Contribution | State's Contribution |
|---|---|---|---|
| AAA | $6,231,123.00 | $2,939,316.75 | $3,291,806.25 |
| 1986-87 Magnets | $14,805,851.00 | 3,701,462.75* | 11,104,388.25* |
| Effective Schools | 7,025,000.00 | 1,756,250.00 | 5,268,750.00 |
| Base Budgets | 9,594,079.00 | 2,398,519.75* | 7,195,559.25* |
| Early Childhood Education | 3,607,545.00 | 901,886.25 | 2,705,658.75 |
| Extended Day | 405,000.00 | 101,250.00 | 303,750.00 |
| Full Day Kindergarten | 1,773,185.00 | 443,296.25 | 1,329,888.75 |
| Class Size Reduction | 8,787,191.00 | 4,393,595.50 | 4,393,595.50 |
| District Communications | 30,725.00 | 7,681.25 | 23,043.75 |
| Research and Evaluation | 5,060.00 | 1,265.00 | 3,795.00 |
| Summer School 1989 | 1,435,097.00 | 358,774.25 | 1,076,322.75 |
| Debt Service | -0- | 0- | -0- |
| Uniforms | 47,680.00 | 11,920.00 | 35,760.00 |
| Latin Grammer Computers | 173,700 | 43,425.00 | 130,275.00 |
| Art and Music Teachers | -0- | -0- | -0- |
| Suzuki Teachers | open | open | open |
| Defensive Driving Program | -0- | -0- | -0- |
| Magnet Extended Day | -0- | -0- | -0- |
| AVATS | 3,164,068.00 | 791,017.00 | 2,373,051.00 |
| Music Accompanists | 37,875.00 | 9,468.75 | 28,406.25 |
| Elementary I | -0- | -0- | -0- |

| | | | |
|---|---|---|---|
| Elementary II | -0- | -0- | -0- |
| Elementary III | -0- | -0- | -0- |
| Middle I | 537,184.00 | 134,296.00 | 402,888.00 |
| Northeast Middle | 477,184.00 | 119,296.00 | 357,888.00 |
| Southeast III | 182,293.00 | 45,573.25 | 136,719.75 |
| King Middle | open | open | open |
| Salary Study | open | open | open |
| Greenhouse Technician | 31,250.00 | 7,812.50 | 23,437.50 |
| Animal Technician | 31,250.00 | 7,812.50 | 23,437.50 |
| DMC | 243,432.00 | 60,858.00 | 182,574.00 |
| Southeast I | open | open | open |
| Totals | 58,625,772.00* | 18,234,776.75* | 40,390,995.26* |

*To be adjusted as previously set forth in this order.

The following budgets were approved by the Court for 1990-91 and 1991-92:

**Future Desegregation Budgets**

| | 1990-91 | 1991-92 |
|---|---|---|
| Uniforms | 39,360 | 39,360 |
| AVATS | 3,079,907 | 2,673,070 |
| Music Accompanists | 39,769 | 41,758 |
| Middle I | 890,690 | 852,350 |
| Northeast Middle | 805,690 | 792,350 |
| Southeast III | 487,027 | 554,429 |
| King Middle | open | open |
| Science Librarian | 39,000 | open |
| Planetarium Manager | 45,000 | open |
| Southeast I | open | open |



Accordingly, it is hereby

ORDERED that the KCMSD's motion to amend its motion for approval of a desegregation plan for 1989-90 is granted; and it is further

ORDERED that the KCMSD's motion for approval of a desegregation plan for 1989-90 is granted as set forth in this order; and it is further

ORDERED that plaintiffs' motion for program and budget modifications of prior remedial orders is granted as set forth in this order; and it is further

ORDERED that the KCMSD shall submit 1986-87 magnet budgets for 1988-89 and 1989-90 as set forth in this order on or before August 31, 1989; and it is further

ORDERED that the KCMSD shall submit the amount of costs avoided elsewhere in the base budgets for 1988-89 on or before August 31, 1989, and for 1989-90 as soon as the amount is available; and it is further

ORDERED that the KCMSD shall submit a proposed budget for 1989-90 for Suzuki teachers on or before August 31, 1989; and it is further

ORDERED that the parties shall file briefs on the issue of whether Elementary I, II and III were ordered as magnet schools under the LRMP or the LRCIP on or before August 31, 1989; and it is further

ORDERED that the KCMSD shall submit proposed budgets for King Middle School for 1989-90, 1990-91 and 1991-92 on or before August 31, 1989; and it is further

ORDERED that the DMC shall submit a proposed salary study budget as soon as the necessary information can be obtained and compiled; and it is further

ORDERED that DMC appointments for two year terms to begin on July 1, 1989, are made as set forth in this order. and it is further

ORDERED that the DMC's budget request and request for postponement of the opening of Southeast I are granted as set forth in this order; and it is further

ORDERED that the KCMSD shall submit proposed budgets for Southeast Elementary I for 1989-90, 1990-91 and 1991-92 on or before August 31, 1989; and it is further

ORDERED that the State's motion to strike plaintiffs' reply brief is denied.

/s/ Russell G. Clark
RUSSELL G. CLARK,
CHIEF JUDGE
UNITED STATES
DISTRICT COURT

Dated: July 5, 1989



## APPENDIX K

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

Case No. 77-0420-CV-W-4
KALIMA JENKINS, *et al*,
Plaintiffs,
v.
STATE OF MISSOURI, *et al.*,
Defendants.

## ORDER

[Filed: April 23, 1990]

Upon consideration of the Joint Stipulation of All Parties Concerning Desegregation Budget for Year VI ("Joint Stipulation"), filed by the plaintiffs, KCMSD, the State of Missouri defendants, and AFT Local Union 691, and in consideration of the entire record herein, it is hereby

ORDERED, that the following components, as presented in KCMSD's Motion for Approval of Desegregation Plan for 1990-91 and the Joint Stipulation, are approved, with budgets summarized as follows:

| | 1990-91 | 1990-91 KCMSD Obligation | 1991-92 | 1991-92 KCMSD Obligation |
|---|---|---|---|---|
| Early Childhood Development Program | $3,598,491 | $899,623 | Open | Open |
| Extended Day - Traditional Schools | $453,000 | $113,250 | Open | Open |
| Increased Funding for Printing and Advertising for Recruitment of Desegregation Personnel | $70,000 | $17,500 | $80,000 | $20,000 |

| | | | | |
|---|---|---|---|---|
| Educational Enhancements for King Latin Grammar Middle School | $113,375 | $28,344 | $117,647 | $29,412 |
| Artists-in-Residence Program for Kansas City Middle School of the Arts | $45,000 | $11,250 | $45,000 | $11,250 |
| Music Accompanists for New Paseo Creative Visual and Performing Arts High School | $34,902 | $8,726 | $36,643 | $9,161 |
| Swimming Technicians for Classical Greek Elementary Schools | $73,911 | $18,478 | $77,607 | $19,402 |
| Computers and Software for New Southeast II Computers Unlimited and Richardson Computers Unlimited Elementary Schools | $1,521,550 | $350,388 | Open | Open |
| Westport Communications/ Writing Magnet Sch ool Computer Equipment | $157,500 | $17,500 | Open | Open |
| Westport Communications/ Writing/Writing Audio/ Video Technician | $32,345 | $8,086 | $33,962 | $8,491 |
| Magnet Extended Day* | $200,000 | $50,000 | $200,000 | $50,000 |
| Desegregation Support for Transportation | $754,286 | $188,572 | $604,859 | $151,215 |
| Animal Technician | $32,812 | $8,203 | $34,453 | $8,613 |
| Greenhouse Technician | $32,812 | $8,203 | $34,453 | $8,613 |

---

* As provided in KCMSD's Motion, the Extended Day programs for Knotts and Pinkerton, totalling $200,000 per year for the next two years, will be funded with unexpended LRMP funds from Year III and IV with no reduction in existing programs.



IT IS FURTHER ORDERED that the funding for the district task forces in the Long-Range Magnet School Plan and budget at $75,000 per year for the next two years (1990-91 and 1991-92) shall be allocated to support all eight of the magnet theme task forces, for themes that are undergoing implementation as well as those themes already implemented. The district task forces shall provide written notices of their meetings, minutes of their meetings shall be provided to the DMC and the parties, and at the first meeting of each task force each year there shall be adopted procedures and objectives for the task forces.

IT IS FURTHER ORDERED that the Admissions Guidelines in the Long-Range Magnet School Plan will be amended to provide that first-time enrollment in foreign language immersion programs in grades two and higher will be limited to students with a demonstrated proficiency to their grade level in the second language.

IT IS FURTHER ORDERED that the following components presented in KCMSD's Motion for Approval of Desegregation Plan for 1990-91 and Plaintiffs' Motion for Year VI Program and Budget Modifications are approved with the following modifications, with budgets summarized as follows:

* The component titled "Recruitment Plan" in KCMSD's Year VI Motion is modified to substitute a Recruiter/Ombudsperson for the Ombudsperson provided in the plan. The Recruiter/Ombudsperson will report to the Coordinator of Recruitment. It is further ordered, on agreement of all parties, that the position of Grants Specialist provided in the Long-Range Magnet School Plan will be eliminated. *(See* November 12, 1986 Order at Attachment A, page 1.) The following budget reduction for salary and fringe benefits will be implemented due to the elimination of this position:

| | | | | |
|---|---|---|---|---|
| Grants Specialist | ($56,683) | | ($59,517) | |
| Recruitment Plan | $442,286 | $110,572 | $397,216 | $99,304 |

* The component titled "Summer School-1991" in KCMSD's Year VI Motion is modified to eliminate the Tech 9 position. The modified budget is:

| Summer 1991 | KCMSD's Obligation |
|---|---|
| $2,310,967 | $577,742 |

* The component in KCMSD's Year VI Motion titled "Effective Schools" is modified to reinstate the $100,000 that was deleted for the closing of North Rock Creek Elementary School.

| 1990-91 | 1990-91 KCMSD Obligation | 1991-92 |
|---|---|---|
| $7,250,000 | $1,812,500 | Open |

* The component in the Plaintiffs' Year VI Motion titled "Modifications to the College Stipends (TTAP) and Staff Stipends (Teacher Reimbursement) Programs" is modified by the agreement of the parties that if at the end of the 1991-92 school year the KCMSD has not expended eighty-five percent (85%) of any 1991-92 budget line in the College Stipends or Staff Stipends programs as modified by this stipulation none of the parties to this agreement will seek from the Court any extension, realignment, or continuation of such program budget lines.



| | 1990-91 | KCMSD Obligation | 1991-92 | KCMSD Obligation |
|---|---|---|---|---|
| TTAP Grants | $400,000 | | $375,000 | |
| Advertising/Printing | $55,000 | | $45,000 | |
| Creation and Distribution of Fliers and New Brochures | $15,000 | | $5,000 | |
| Staff Development | $2,500 | | $2,500 | |
| Promotional Materials about Kansas City and KCMSD | $7,500 | | -0- | |
| Staff Travel to Promote TTAP | $15,000 | | $10,000 | |
| Visits to KCMSD by Finalists and Spouses | $15,000 | | $10,000 | |
| Full-time Secretary and Benefits | $24,000 | | $26,000 | |
| TTAP total | $534,000 | $133,500 | $473,500 | $118,375 |

| | 1990-91 | KCMSD Obligation | 1991-92 | KCMSD Obligation |
|---|---|---|---|---|
| Staff Stipend (TTRP): Funds for Montessori Training Including Travel | $110,00 | | $150,00 | |
| Funds for Tuition for Alternative Certification Program | $15,000 | | $15,000 | |
| Funds for Tuition Reimbursement for Aides and Paraprofessionals | $5,000 | | $5,000 | |
| Increase for General TTRP Budget | $50,000 | | $50,000 | |
| TTRP Total | $180,000 | $45,000 | $220,000 | $55,000 |

IT IS FURTHER ORDERED, upon review of section 4 of the Joint Stipulation concerning components on which limited issues are reserved by the parties, that the Court will receive briefs on the schedule agreed to by the parties, limited to the issues set forth in the Joint Stipulation.

/s/ Russell G. Clark
Russell G. Clark, District Judge
United States District Court

Dated: April 23, 1990



## APPENDIX L

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

Case No. 77-0420-CV-W-4

KALIMA JENKINS, et al,
Plaintiffs,
v.
STATE OF MISSOURI, et al.,
Defendants.

## ORDER

[Filed: May 14, 1990]

A voluntary interdistrict transfer (VIT) proposal has been presented to the court by the plaintiffs and the School District of Kansas City, Missouri (KCMSD). Upon the joint suggestion of all parties to this cause of action, the State of Missouri defendants are ordered to (1) meet with representatives of public school districts having less than twenty-five percent (25%) minorities enrolled and located within Clay, Platte, and Jackson Counties and with the parties to this case, (2) provide to them and explain the proposed VIT plan attached hereto, (3) obtain agreements of the school districts to participate in the VIT plan, and the number of students each will accept in September, 1990, or their comments and/or suggestions for change, and (4) report on the State's discharge of these duties within thirty (30) days of this order. Suggestions or arguments by any entity as to the contents of the VIT plan will not be used as evidence of racial animus in any future proceeding. This court will hold a hearing on the status of this proposed VIT plan on the ____ day of June, 1990 beginning at _____.

/s/ Russell G. Clark
Russell G. Clark, Judge
United States District Court

Date: May 14, 1990

**Kansas City Metropolitan Area**

**Voluntary Interdistrict Transfer Plan**

I. *The Role of the State*

A. The State of Missouri shall establish and fund a voluntary interdistrict transfer ("VIT") program in the Kansas City metropolitan area. The State shall pay for the transportation and tuition costs of any Kansas City, Missouri School District ("KCMSD") minority student who wishes to transfer from a school within KCMSD in which their race is in the majority (with preferences for students from schools with enrollments of 90% or more minority students) to a school in another school district in Clay, Platte or Jackson County in which minorities constitute less than 25% of the student body. The tuition payment shall be reasonably determined by each participating school district. The State shall also pay KCMSD one-half of the foundation allotment for each student who transfers from the KCMSD under this plan or, in the alternative, if KCMSD sends more students than it receives, State aid based on the District's enrollment for the second prior year. The method of selection will be chosen annually by the KCMSD. The State shall be required to pay these VIT costs for up to 1,200 students in the 1990-91 school year, 2,400 students in the 1991-92 school year, 3,600 students in the 1992-93 school year, 4,800 students in the 1993-94 school year and 6,000 students in the 1994-95 school year and thereafter.

B. The State shall be required to fund the salary and expenses of one full-time counselor for every 50 KCMSD students who transfer to surrounding school districts ("SSDs") in the three-



county area under Section I.A. In addition, the State shall fund the staff development programs described in Section III.E.

C. The State shall fund the Interdistrict Recruiting and Counseling Committee ("IRCC") described in Section III.

D. In future years, the State's funding responsibilities shall continue and the State shall continue to encourage full participation by all SSDs. In particular, the State shall encourage SSDs to increase the number of transfers they accept in future years so that collectively they will meet the goals of Section I.A.

II. *Surrounding School Districts ("SSD")*

Each of the school districts in the three-county area described in Section I.A shall be eligible to participate in this plan if it is willing to accept an adequate number of transfer students to avoid isolation and to follow the provisions in Sections III and IV.

III. *Interdistrict Recruiting and Counseling, Committee ("IRCC")*

A. The IRCC shall be composed of one representative of each participating SSD, one KCMSD representative , one representative of AFT Local 691, one representative of the State and a representative of the plaintiffs. Each member of the IRCC shall have one vote and decisions will be made by majority vote. The committee shall select its own chair.

B. The IRCC shall meed within thirty days of the promulgation of this plan and shall present a proposed budget, including necessary staff, to the DMC within forty-five days of promulgation of this plan. The DMC shall present its recommendations to the Court within fifteen days of the IRCC's report.

C. The IRCC shall coordinate among participating SSDs the dissemination of information about available transfer opportunities and the establishment of application and acceptance dates

that will allow transfer students to make reasonable decisions about where to attend school in a timely manner.

D. The IRCC shall hire and supervise the counselors provided under Section I.B, who shall assist in assuring a smooth transition for transfer students and spend a proportionate amount of time at the suburban schools in which KCMSD transfer students are enrolled.

E. The IRCC will be responsible for assuring that an effective Multicultural/Human Relations Staff Development program is provided for the staffs of all SSDs which elect to participate in this program. This will include, among other things, a program offered in each SSD before the opening of school in the fall to sensitize school district staff to the needs of transfer students. Such programs shall continue annually so long as the IRCC determines they are necessary.

F. The IRCC shall facilitate participating districts' efforts to recruit minority transfers to the SSDs and non-minority applicants to KCMSD magnet schools and shall ensure that sufficient recruiting activities are conducted either by the participating districts or the IRCC itself.

G.The IRCC shall report four times each year to the DMC by February 1, May 1, August 1 and November 1 about progress and problems in implementing the plan. The IRCC shall include in all of its reports to the DMC and the Court the number of students participating in the current year and expected to participate in the subsequent year, enrollments by grade, race, school and resident/transfer status, information about its counseling and recruiting efforts, comments on transportation under the plan and any information specifically requested by the DMC or the Court or any relevant IRCC concerns about the plan.

H. The IRCC shall also develop standards to propose to the DMC and the Court to govern the transportation system described in Section V.



IV. *Admissions and Treatment of Transfer Students*

All SSDs receiving transfer students from the KCMSD shall agree to the following:

A . Transfer students will be accepted for initial acceptance to each district at all grade levels at which space is available.

B. Transfer students will be allowed to stay in the SSD until they graduate.

C. Transfer students shall be eligible to participate in all programs and activities on the same basis as resident students.

D.Participating SSDs will accept all applicants for available spaces who are eligible under the provision of Section I.A, except those with a history of serious disciplinary problems, on either a first-come-first-serve or random basis.

E. Participating SSDs agree neither to isolate nor to concentrate transfer students in one or a few schools or classrooms.

F. Participating SSDs agree to cooperate with IRCC counselors in helping transfer students adjust to their new school environments and to provide appropriate educational support.

V. *Transportation*

The State shall fund and manage a transportation system for transfer students in accordance with the guidelines developed by the IRCC, the DMC or the Court. These guidelines shall be designed to encourage participation in the transfer program and in extracurricular activities. They shall address maximum walking distances to bus stops and maximum ride times for students.

VII. *Staff*

A. The IRCC shall develop guidelines for voluntary participation in a teacher exchange program to increase the presence of

minority faculty and administrators in SSDs and to enhance the richness and variety of experience available to teachers in all participating districts. The IRCC shall present these guidelines to the DMC and the Court by February 1, 1991.

B. The IRCC shall assist participating districts in their efforts to recruit minority staff. The IRCC's efforts could include, among other things, the development of a central recruiting office to recruit and interview minority candidates for consideration by the SSDs.

VII. *Research and Evaluation*

The DMC shall be responsible for research and evaluation concerning the effectiveness of the Kansas City Metropolitan Area Voluntary Interdistrict Transfer Plan and shall report its conclusions to the Court.



## APPENDIX M

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

No. 77-0420-CV-W-4

KALIMA JENKINS, et al,
Plaintiffs,
v.
STATE OF MISSOURI, et al.,
Defendants.

## ORDER

[Filed: June 26, 1990]

Before the Court is plaintiffs' motion for Year VI program and budget modifications and KCMSD's motion for approval of desegregation plan for 1990-91. Subsequently the parties filed a joint stipulation regarding certain issues in the KCMSD's and plaintiffs' motions. On April 23, 1990, the Court entered an order in accordance with the stipulations. Subsequently the State filed a memorandum on the remaining Year VI budget issues and the KCMSD and plaintiffs filed a joint response to the State's memorandum. The State filed a reply memorandum and the KCMSD and plaintiffs filed a joint response. Plaintiffs' motion for Year VI program and budget modifications and the KCMSD's motion for approval of desegregation plan for 1990-91 will be granted as set forth below.

*AAA*

In its order of July 25, 1988, this Court approved a 1990-91 AAA budget of $6,574,673, which the KCMSD solely responsible for $1,963,535. *Jenkins* v. *State of Missouri*, Order of July 25, 1988, at 21-24 (W.D. Mo. 1988). The KCMSD seeks a slightly reduced 1990-91 AAA budget of $6,569,389. In addi-

tion, the KCMSD proposes to use one of the Court-approved counselors to provide counseling services at Delano and the Teenage-Parent Center, two of the KCMSD's special schools. The State argues that the time has come for the KCMSD to solely bear the costs of maintaining AAA status. The KCMSD counters that the achievement and retention of AAA status is a proper desegregation expense. In addition, the KCMSD states that its operating budget is not sufficient to meet the requirements of AAA status. The retention of AAA status is a proper desegregation expense. *Liddell* v. *Board of Education of City of St. Louis*, 758 F.2d 290, 294 (8th Cir. 1985); *Liddell* v. *State of Missouri*, 731 F.2d 1294, 1318 (8th Cir.), *cert. denied*, 469 U.S. 816 (1984); *Jenkins*, Order of July 25, 1988, at 24; *id.*, Order of July 6, 1987, at 10. Therefore, the Court will approve a AAA budget of $6,569,389 in 1990-91 with the KCMSD solely responsible for $3,111,035. In addition, the Court will approve the use of one counselor to provide counseling services at two of the KCMSD's special schools.

*Reduction in Class Size*

The Court previously approved a reduction in class size budget of $8,787,191 for 1990-91 stating that "[i]f student enrollments justify additional funding for . . . 1990-91, KCMSD may move the Court for such funding." *Id.*, Order of July 25, 1988, at 8. The KCMSD has determined that it can meet the Court-ordered class sizes with fewer teachers than the Court approved in the July 25, 1988, order, resulting in a 1990-91 budget request of $4,683,986. The KCMSD seeks to eliminate 31 approved positions at the elementary level, 38.5 positions at the middle school level and 72.5 positions at the high school level. The State does not oppose the KCMSD's budget request. Therefore, the Court will approve a reduction in class size budget of $4,683,986 for 1990-91 with the KCMSD solely responsible for $3,512,990 pursuant to the Court's order of July 5, 1989. *Id.*, Order of July 5, 1989, at 6-8.



*Full-Day Kindergarten*

The Court previously approved a full-day kindergarten budget of $1,773,185 for 1990-91 stating that "[i]f student enrollments justify increased or decreased funding for . . . 1990-91, the Court will make an appropriate modification." *Id.*, Order of July 25, 1988, at 14. The KCMSD has not requested a modification of the previously approved budget for 1990-91. The State does not oppose the full-day kindergarten budget request. Therefore, the Court will approve a full-day kindergarten budget of $1,773,185 for 1990-91 with the KCMSD responsible for $443,296 of that budget.

*1986-87 Magnet Schools*

Previously the Court refused to approve the KCMSD's 1990-91 budget for the 1986-87 magnets because the budget did not properly delineate between base operating costs and incremental magnet costs. *Id.*, Order of July 5, 1989, at 3-4; *id.*, Order of July 25, 1988, at 20-21. The KCMSD now seeks approval of a 1990-91 1986-87 magnet budget of $15,694,833 with $10,385,602 of this budget deemed a desegregation expense allocated 100% to the KCMSD.

In 1988-89 and 1989-90 the Court approved total 1986-87 magnet budgets as a desegregation expense and subsequently allowed the State a credit in the amount of base costs necessary to operate a traditional program at each school against the amount of their total desegregation obligation for 1988-89 and 1990-91, respectively, because base costs for the 1986-87 magnets are not a proper desegregation expense and the KCMSD should be solely liable for such costs out of its operating budget. *Id.*, Order of October 18, 1989, at 2-3; *id.*, Order of November 2, 1989, at 4-5; *id.*, Order of January 23, 1990, at 1-6. The State argues that the Court should approve only the 1986-87 magnet school incremental costs as a desegregation expense in 1990-91 with the base costs of these schools included in the KCMSD's

1990-91 operating budget. However, on February 1, 1990, this Court entered an order which suspended and stayed the Court's orders of October 18, 1989, November 2, 1989, and January 23, 1990. Therefore, the Court finds that the proposed budget of $15,694,833 for 1990-91 is reasonable and will approve such budget as a desegregation expense with $10,385,602 allocated 100% to the KCMSD. If the February 1, 1990, stay is subsequently lifted, the State shall be allowed a credit in the amount of the base costs necessary to operate a traditional program at each school against the amount of their total desegregation obligation for 1990-91.

*Base Budgets*

The KCMSD requests a 1990-91 budget for base budgets for New Paseo Middle School, Lincoln Middle School, New West Elementary, New Gladstone Elementary, Middle School I, Middle School II and Elementary III. In 1990-91 the KCMSD will also be opening four additional elementary magnet schools but is not requesting base budget funding for these schools because it is closing four traditional elementary schools in 1990-91. The State argues that the time has come to no longer fund the base budget magnets as a separate desegregation expense, but instead treat them like the schools under the LRMP. The Court has previously approved base budget components as a desegregation expense. *Id.*, Order of July 5, 1989, at 4; *id.*, Order of July 25, 1988, at 18-19. The base budget component is a proper desegregation expense because the district would not have been required to open and operate these new magnets but for the Court-ordered LRMP. The State offers no basis to the Court to revise the prior rulings regarding the base budget component. The State appears to be attempting to relitigate the issue of costs avoided elsewhere, which was addressed by this Court in its order of May 24, 1989. Therefore, the Court will approve the base budget component of $15,358,428 as a desegregation expense with the KCMSD's obligation totaling $3,839,607.



However, the State will be allowed a credit for the amount of costs avoided elsewhere as addressed by the Court in its order of May 24, 1989. The Court directs the KCMSD to submit the amount of costs avoided elsewhere for 1990-91 as soon as they are available.

*Security*

The maintenance plan approved by the Court as part of its September 15, 1987, order provides $170,022 for 1990-91 and 1991-92 to upgrade the KCMSD security program. The KCMSD now proposes to increase the security budget to $224,752 in 1990-91 and $428,339 in 1991-92 to continue the reorganization of the KCMSD security department as thefts become more costly as a result of the influx of educational equipment from the desegregation programs. The KCMSD argues that the proposal will provide a critical link in the recruiting effort and enable the KCMSD to protect more effectively the equipment that has been purchased in furtherance of the desegregation plan. The KCMSD's original proposal requested desegregation funds for ten additional site-based security guards, one new manager of site-based security officers, one new investigator and five additional patrol officer dispatchers. The KCMSD also proposed to extend the contracts of all sixteen site-based security guards from ten months to twelve months. The DMC took no exception to the ten additional site-based security guards and one new investigator, but did take exception to one new manager of site-based security officers nd five additional patrol officer dispatchers. DMC Minutes of March 19, 1990, at 10. The DMC determined that the non-site-based security initiatives proposed by the KCMSD were "too staff intensive," and urged the KCMSD "to develop a more cost-effective and efficient proposal which addresses internal security as well as external." *Id.* In response, the KCMSD eliminated the site-based manager position from the proposal, but retained the dispatchers "because of their importance to the District's effort to combat property losses."

KCMSD's Motion for Approval of Desegregation Plan for 1990-91 at 27. The State responds that security is a maintenance function which is not a proper desegregation expense. The KCMSD counters that proper security makes the KCMSD schools more desegregatively attractive and that much of the property the KCMSD is trying to protect is needed to carry out the desegregation plan.

The Court recognizes that security has become an important issue in the KCMSD. *See* Declaration of William M. Threatt, Jr., at ¶ 7. Proper security is vital to the desegregative attractiveness of the KCMSD. *See id.* at ¶ 8. During the 1988-89 school year alone there were 926 incidents reported to the KCMSD security department resulting in losses totaling $221,958. KCMSD's 1990-91 Year VI Desegregation Plan at 136. A large portion of the KCMSD's losses are attributable to electronic equipment purchased to implement the desegregation plan. Declaration of William M. Threatt, Jr., at ¶ 6. The Court has previously stated: "The Court recognizes that the security needs of the KCMSD . . . have changed dramatically as a result of the desegregation plan. It would be illogical for the Court to order implementation of a desegregation plan calling for new and renovated facilities containing new equipment, supplies and furniture without adequate security to protect such investments." *Jenkins*, Order of March 30, 1989, at 2-3. In the March 30, 1989, order the Court granted the KCMSD's request to recognize summer security expenses as desegregation expenses. Therefore, the Court finds that the KCMSD's request for security funds is a proper desegregation expense. However, the Court will not approve the KCMSD's request for five additional patrol officer dispatchers to which the DMC took exception. The KCMSD shall file a proposed budget for security for 1990-91 and 1991-92 deleting the five additional patrol officer dispatchers on or before July 13, 1990.



*Desegregation Monitoring Committee*

As this Court has stated many times before, the DMC is an arm of the Court and has shown itself to be an effective and impartial group committed to achieving the goals outlined in this Court's desegregation plan. *See, e.g., id.*, Order of July 5, 1989, at 26; *id.*, Order of July 25, 1988, at 5. The Court cannot over emphasize the importance of the DMC to the Court and the desegregation plan. The Court will approve a DMC budget of $416,655 for 1990-91. The Court will approve a per diem budget component totaling $116,300, which consists of an increase in compensable hours to 225 hours for the general chairperson, 188 hours for committee chairpersons and 163 hours for committee members. Such an increase is warranted, as the DMC members spend many hours on DMC matters for which they are re not compensated. *See* Attachment A. A research budget of $54,200 and an operating budget of $35,000 will be approved. The Court will approve a staff compensation budget of $211,155, which includes a six percent salary increase for the executive secretary and administrative assistant, addition of benefits for the administrative assistant and the addition of two evaluators to the staff to assist with the day-to-day program monitoring and general assessment of the implementation of the plan. The Court will also approve a carryover of the balances of the fiscal year 1990 accounts to the 1991 fiscal year, which will result in a credit to the State and the KCMSD against their respective share of the funding.

*Conclusion*

The budgets approved previously in this order shall be allocated 25% to the KCMSD and 75% to the State, unless otherwise provided, with joint and several liability.

Accordingly, it is hereby

ORDERED that plaintiffs' motion for Year VI program and budget modifications is granted as set forth in this order; and it is further

ORDERED that the KCMSD's motion for approval of desegregation plan for 1990-91 is granted as set forth in this order; and it is further

ORDERED that the DMC's budget request is granted as set forth in this order; and it is further

ORDERED that the KCMSD shall file a proposed security component budget for 1990-91 and 1991-92 on or before July 13, 1990; and it is further

ORDERED that the KCMSD shall submit the amount of costs avoided elsewhere for 1990-91 as soon as they are available.

/s/ Russell G. Clark
RUSSELL G. CLARK, JUDGE
UNITED STATES
DISTRICT COURT

Date: June 26, 1990



**PER DIEM REPORT - AS OF 4/30/90**

| Member | Hours Compensated | Hours Uncompensated (as of 4/30/90) | Total (1st 10 mos.) | Hr. Remaining (where compensation is available) | Projected Yr. End Hours |
|---|---|---|---|---|---|
| Eubanks | 180 | 72.75 | 252.75 | -0- | 318.9 |
| Oglesby | 47 | -0- | 47 | 103 | 56.4 |
| Perez | 66.75 | -0- | 66.75 | 63.25 | 80.1 |
| Stanton | 68.75 | -0- | 68.75 | 61.25 | 80.1 |
| Kraft | 150 | 12.50 | 162.50 | -0- | 195 |
| Jordan | 99.25 | -0- | 99.25 | 30.75 | 119.15 |
| Bixby | 114.75 | -0- | 114.75 | 15.25 | 114.25 |
| Sancho | 150 | 28.25 | 178.25 | -0- | 226.80 |
| Neal | 95 | -0- | 95 | 35 | 114 |
| Cozad | 49.25 | -0- | 49.25 | 80.75 | 59.1 |
| DiCapo | 119.75 | -0- | 119.75 | 30.25 | 153.3 |
| James | 130 | 9.25 | 139.25 | -0- | 167.1 |
| Holland | 58 | -0- | 58 | 73 | 72 |
| TOTALS | 1,328.50 | 122.75 | 1,451.25 | 491.50 | 1,799.2 |

## APPENDIX N

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

Case No. 77-0420-CV-W-4

KALIMA JENKINS, et al.,
Plaintiffs,

v.

THE STATE OF MISSOURI, et al.,
Defendants.

## ORDER

[Filed: July 23, 1990]

Pending before this Court are Plaintiffs' Motion for Year VI Program and Budget Modifications, filed March 21, 1990, AFT Local 691's Motion for Year VI Program and Budget Modifications, filed April 3, 1990, and KCMSD's Supplemental Motion for Approval of Salary Increases as Part of the Desegregation Plan for 1990-91, filed April 9, 1990, in which the three movants allege that in order to fully implement this Court's desegregation orders it is essential for the Kansas City, Missouri, School District ("KCMSD") to increase the level of salaries paid to its employees in order to attract and retain qualified employees essential for these purposes. Salaries in the KCMSD have been an issue in this litigation since early 1989, when plaintiffs moved this Court for funding of a comprehensive salary study for the KCMSD and that request was approved by the July 25, 1989 Order of this Court. Salary increase matters were raised before the Desegregation Monitoring Committee ("DMC") in February, 1990, heard by that Committee in March, and motions were filed in this Court between March 21 and April 9, 1990.



The State has opposed these motions, denying the movants' factual and legal contentions. Extensive discovery, including more than 25 depositions, inspection of thousands of documents, and the exchange of interrogatories preceded a hearing on the salary issues. Over four days of trial were conducted in June. These matters were widely publicized in the media. Before completion of trial the parties agreed to a compromise of disputed claims and presented to the Court this Order as proposed by them. Based on the entire record herein, the agreement of the parties and this Court having held a hearing on July 17, 1990, the Court finds the Agreement of the parties to be a fair, reasonable, and adequate settlement. It is therefore ORDERED:

1. The Kansas City, Missouri, School District is authorized to increase its salaries paid to its employees during the 1990-91 and 1991-92 school years by a total of up to $68 million. Over that two-year period, the State shall pay $34 million of that increase, and the Kansas City Missouri, School District shall pay the remainder, with no joint and several liability.

2. The State of Missouri shall pay to the Kansas City, Missouri, School District the sum of $15 million as needed to fund salary increases for KCMSD employees for the 1990-91 school year and shall pay to KCMSD the sum of $19 million as needed to fund salary increases for KCMSD employees for the 1991-92 school year. The State shall deposit these funds in a separate interest-bearing account maintained by KCMSD with the interest earned on this account credited to the State's obligation under this Order. The proposed salary schedule for 1990-91 is attached hereto as Attachment A.

Cost of subdivision a) to e) of paragraph two shall be paid out of the $68 million authorized in paragraph one.

a. Salary increases shall be given to the following classifications of employees during the two years of this agreement:

i. Senior Curriculum Coordinators (there are nine such positions, four funded by the LRMP [two science, one foreign language, and one fine arts coordinator] and five funded by the operating budget, one social studies, one language arts, one reading, one math, and one science coordinator) from step one at $53,700 to highest step at $59,950.

ii. Central High School Computer Systems Manager from first step at $49,000 to highest step at $57,400.

iii. Central High School Compute Technician from first step of $38,000 to highest step of $44,800.

iv. Animal Assistant and Greenhouse Technician from first step of $31,000 to highest step of $33,800.

b. The KCMSD shall develop job requirements for every teaching and administrative position at every magnet school. Such job descriptions for teachers shall include experience, training or demonstrated interest in the subject matter of the theme of the magnet school. Such job descriptions for principals shall include experience, training, or demonstrated interest in the magnet theme except where the District is unable to appoint a candidate who satisfies such a criterion. In such instances the District may appoint a candidate with preferable administrative and managerial skills if it simultaneously adopts a plan by which such candidate may reasonably be expected to acquire familiarity with the theme. The Desegregation Monitoring Committee shall have the authority to monitor such plans and review their implementation. These job descriptions shall be adopted by September 1, 1990 and applicable to new teachers and administrators as well as those wishing to transfer into a magnet school. Staff assigned to magnet schools on or before September 1, 1990 shall have until September 1, 1992 to meet the requirements for their positions.



c. All staff assigned to magnet schools shall, in addition to the currently required forty hours of summer magnet theme staff development, participate in an additional forty hours of magnet theme in-service during the school year. In order to accomplish this the teacher's school year will be extended by five days and teachers in traditional schools will also be required to participate in forty hours of staff development during the school year.

d. The KCMSD shall plan and implement procedures to assure that the existing process for evaluating principals and teachers is actually utilized starting September 1, 1990. The KCMSD shall make a good faith effort to use the results of its evaluation process to improve the quality of performance of its personnel.

e. The District may fund increases in substitute teacher pay, compensation for staff supervision of extra-curricular activities, and the staff liability insurance funds. The District may also fund a five-day new teacher training program as proposed in the pending motions.

3. In order to fund the District's share of the $68 million increase, KCMSD is hereby authorized to increase its property tax levy rate for the 1990 and 1991 tax years by 96¢ per $100 assessed valuation, so that the total KCMSD property tax levy rate in each such year may be increased to $4.96. If at the end of the 1991-92 school year any of the $68 million remains unspent, one-half of the unspent funds shall be returned to the State, and KCMSD's one-half shall be credited toward its desegregation obligations.

4. The Court finds that the highest tax levy rate ever approved by KCMSD voters was $4.23, that the average tax levy rate of the highest three school districts in Jackson County is currently $4.46, and that the highest levy rate of any school district in Jackson County is currently $5.07. Pursuant to the decision of the United States Court of Appeals for the Eighth Circuit dated

August 19, 1988 and the decision of the United States Supreme Court dated April 18, 1990, this Court finds that the tax rate of $4.96 is a reasonable maximum tax levy rate for KCMSD to yield sufficient revenue to fund KCMSD's share of the salary increases authorized by this Order, and the Court hereby enjoins enforcement any and all laws of the State of Missouri that would prevent the Board of Directors of the Kansas City, Missouri, School District from increasing its tax levy rate to that level in order to fund these salary increases which movants contend, and the evidence at the conclusion of movants' case indicates, are essential to comply with this Court's desegregation orders.

5. In order to assure that the 96¢ levy rate increase will yield sufficient revenue to fund KCMSD's share of the salary increases authorized by this Order, KCMSD may seek to remove from escrow accounts established pursuant to State law, pending the disposition of any protest litigation, any taxes paid under protest. The State shall guarantee that KCMSD will be able to refund any taxes paid under protest on issues raised by this Order.

6. It is further ORDERED, based on the agreement of the parties, that KCMSD will, throughout the pendency of this Order, collect systematically and report periodically to the DMC and the parties appropriate data regarding the results of its recruiting efforts. KCMSD also agrees that it will within three months of the date of this Order begin implementation of a reorganization of its recruiting efforts by adopting a plan and schedule intended to improve the results of its personnel recruiting.

7. In agreeing to this Order, no party waives its rights with regard to positions taken in this litigation and each party specifically preserves its rights to make whatever arguments it deems appropriate with regard to these issues after the conclusion of the 1991-92 school year covered by this Order.



/s/ Russell G. Clark
Russell G. Clark
United States District Judge

Dated: July 23, 1990

AGREED TO FORM
AND CONTENT:

/s/ Arthur A. Benson II
Arthur A. Benson II
Counsel for Plaintiffs

/s/ Doyle R. Pryor
Doyle R. Pryor
Counsel for AFT Local 691

/s/ Allen R. Snyder
Allen R. Snyder
Counsel for the
School District

/s/ Michael J. Fields
Michael J. Fields
Counsel for the
State of Missouri

## ATTACHMENT A

ATTACHMENTS A-1 through A-13:

SALARY SCHEDULES


| | |
|---|---|
| ATTACHMENT A-1: | Teachers, Counselors & Home School Coordinators |
| ATTACHMENT A-2: | Administrators and Professionals |
| ATTACHMENT A-3: | Maintenance Personnel |
| ATTACHMENT A-4: | Technical Personnel |
| ATTACHMENT A-5: | Paraprofessionals |
| ATTACHMENT A-6: | Operating Employees |
| ATTACHMENT A-7: | Data Processing Personnel |
| ATTACHMENT A-8: | Food Service Workers |
| ATTACHMENT A-9: | Operating Supervisors |
| ATTACHMENT A-10: | Clerical Employees |
| ATTACHMENT A-11: | Security Officers |
| ATTACHMENT A-12: | Nurses |
| ATTACHMENT A-13: | Extra Pay Assignment Schedule 1990-91 |




## 1990-91

7/3/90

32 million

| | INCREASES | FRINGE | TOTAL |
|---|---|---|---|
| Teachers (.7286) | $18,941,014 | $2,941.540 | $21,882,554 |
| Administrators (.0832) | 2,162,902 | 335,899 | 2,498,801 |
| Professionals (.0104) | 270,363 | 41,987 | 312,350 |
| Technical (.0065) | 168,977 | 26,242 | 195,219 |
| Clerical (.0091) | 236,568 | 36,739 | 273,307 |
| Paraprofessional (.0506) | 1,315,420 | 204,285 | 1,519,705 |
| Nurses (.0032) | 83,189 | 12,919 | 96,108 |
| Operating (.0741) | 1,875,682 | 349,815 | 2,225,497 |
| Operating Sup. (.0013) | 32,907 | 6,137 | 39,044 |
| Maintenance (.0059) | 149,346 | 27,385 | 177,199 |
| Food Service (.0207) | 523,976 | 97,722 | 621,698 |
| Data Processing (.0018) | 46,794 | 7,267 | 54,061 |
| Security (.0045) | 113,909 | 21,243 | 135,152 |
| TOTAL | $25,921,047 | $4,109,648 | $30,030,695 |

DEDUCTIONS:

| | |
|---|---|
| Substitute | $ 400,000* |
| Extra Pay | 600,000 |
| New Teacher In-Service | 189,900 |
| Reserve | 779,405 |
| TOTAL | $1,969,305 |

*Daily substitute pay increased from current $50.00 to $75.00.

## ATTACHMENT A-1

## TEACHERS, COUNSELORS AND HOME SCHOOL COORDINATORS

### 1990-91 SCHOOL YEAR

| Step | Bach. Degree | Bach. + 12 Grad. Hours | Mast. or Bach. + 36 Grad. Hours | Master's +15 Grad. Hours | Master's + 32 Grad. Hours | Master's + 60 or Doctor's Degree |
|---|---|---|---|---|---|---|
| 1 | 22,215 | 22,993 | 24,548 | 25,436 | 27,213 | 29,813 |
| 2 | 22,993 | 23,770 | 25,436 | 26,325 | 28,102 | 30,857 |
| 3 | 23,770 | 24,548 | 26,325 | 27,213 | 28,991 | 31,901 |
| 4 | 24,548 | 25,436 | 27,213 | 28,102 | 29,879 | 32,945 |
| 5 | 25,436 | 26,103 | 28,102 | 28,991 | 30,768 | 33,989 |
| 6 | 26,103 | 26,880 | 28,991 | 29,879 | 31,656 | 35,033 |
| 7 | 26,880 | 27,658 | 29,879 | 30,768 | 32,545 | 36,077 |
| 8 | 27,658 | 28,435 | 30,768 | 31,656 | 33,434 | 37,121 |
| 9 | 28,435 | 29,213 | 31,656 | 32,545 | 34,322 | 38,165 |
| 10 | 29,213 | 29,990 | 32,545 | 33,434 | 35,211 | 39,209 |
| 11 | 29,990 | 30,768 | 33,434 | 34,322 | 36,099 | 40,254 |
| 12 | 31,545 | 32,323 | 34,322 | 35,211 | 36,988 | 41,298 |
| 13 | | | 35,211 | 36,099 | 37,877 | 42,342 |
| 14 | | | 36,099 | 36,988 | 38,765 | 43,386 |
| 15 | | | 37,654 | 38,010 | 39,654 | 44,430 |



## ATTACHMENT A-2 — ADMINISTRATIVE SALARY ACHEDULE

| POSITION | Days In Work Year | No. | Step 1 | No. | Step 2 | No. | Step 3 | No. | Step 4 | No. | Step 5 | No. | Step 6 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Deputy Superintendent | 261 | 0 | 76,650 | 1 | 78,704 | 0 | 80,759 | 0 | 82,813 | 0 | 84,868 | 0 | 0 | 78,704 |
| Asst. Superintendent | 261 | 0 | 66,439 | 0 | 68,904 | 1 | 70,958 | 3 | 72,869 | 2 | 74,593 | 0 | 0 | 469,849 |
| Executive Director | 261 | 0 | 64,501 | 0 | 66,375 | 2 | 68,170 | 1 | 70,433 | 4 | 71,584 | 0 | 0 | illegible |
| Director | 261 | 0 | 59,967 | 2 | 61,776 | 6 | 63,614 | 7 | 65,423 | 4 | 67,231 | 0 | 0 | 905,001 |
| Secondary Principal | 240 | 0 | 52,904 | 1 | 55,248 | 0 | 57,609 | 1 | 59.986 | 0 | 62,346 | 7 | 64,707 | 733,927 |
| Middle Principal | 240 | 0 | 48,576 | 1 | 50,728 | 1 | 52,896 | 4 | 55,078 | 2 | 57,245 | 6 | 59,413 | 794,905 |
| Elem./Alt. Principal | 225 | 0 | 42,298 | 1 | 44,340 | 2 | 46,442 | 3 | 48,499 | 2 | 50,572 | 47 | 52,659 | 2,858,839 |
| Sec. Asst. Principal/C.I. | 220 | 0 | 39,305 | 1 | 40,722 | 1 | 42,125 | 6 | 43,542 | 6 | 44,945 | 48 | 46,361 | 2,839,103 |
| Elementary Asst. Principal | 210 | 0 | 35,230 | 0 | 36,787 | 0 | 38,963 | 0 | 40,847 | 0 | 42,717 | 0 | 44,627 | 0 |
| Supervisor | 261 | 0 | 47,091 | 3 | 48,598 | 5 | 50,147 | 6 | 51,640 | 3 | 53,175 | 12 | 54,711 | 1,522,423 |
| Coordinator/Spec 44 Week | 220 | 0 | 37,045 | 0 | 38,327 | 0 | 39,619 | 0 | 40,894 | 2 | 42,189 | 0 | 43,444 | 84,378 |
| Coordinator/Spec 12 Month | 261 | 0 | 43,951 | 1 | 45,466 | 2 | 47,002 | 2 | 48,505 | 2 | 50,052 | 28 | 51,541 | 1,779,722 |
| | | | | | | | | | | | | | GRAND TOTAL | 12,530,755 |
| | | | | | | | | | | | | | .1909759 | 2,162,902 |

## PROFESSIONAL PAY SCALES

| LEVEL | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 18 | 2,523 | 2,650 | 2,776 | 2,904 | 3,030 | 3,158 |
| 19 | 2,650 | 2,776 | 2,904 | 3,030 | 3,158 | 3,285 |
| 20 | 2,776 | 2,904 | 3,030 | 3,158 | 3,285 | 3,412 |
| 21 | 2,904 | 3,030 | 3,158 | 3,285 | 3,412 | 3,537 |
| 22 | 3,030 | 3,158 | 3,285 | 3,412 | 3,537 | 3,664 |
| 23 | 3,158 | 3,285 | 3,412 | 3,537 | 3,664 | 3,790 |
| 24 | 3,285 | 3,412 | 3,537 | 3,664 | 3,790 | 3,919 |

---

## THE SCHOOL DISTRICT OF KANSAS CITY, MISSOURI

## HUMAN RESOURCES

## SENIOR CURRICULUM COORDINATOR PAY RANGES

## ANNUAL SALARY SCHEDULE

## 1990-1991

| STEP 1 | STEP 2 | STEP 3 | STEP 4 | STEP 5 | STEP 6 |
|---|---|---|---|---|---|
| 53,700 | 54,950 | 56,200 | 57,450 | 58,700 | 59,950 |



## REVISED ATTACHMENT A-3

**CURRENT YEAR**
**MARCH 1, 1990 ACTIVE DATA BASE**

**MAINTENANCE**

| | RATE | NO. | COST |
|---|---|---|---|
| Audio Visual Technician Electrician | 12.23 | 7 | 178,898 |
| Audio Visual Technician Electrician Foreman | 12.64 | 1 | 28,399 |
| Auto Mechanic | 12.73 | 1 | 25,384 |
| Brick Layer | 12.33 | 2 | 51,479 |
| Carpenter | 12.34 | 17 | 837,935 |
| Carpenter Shop Foreman | 12.34 | 2 | 353,215 |
| Door Closer Repairman/Carpenter | 12.34 | 0 | 0 |
| Electrician | 12.57 | 14 | 363,331 |
| Floor Layer | 12.29 | 2 | 51,305 |
| Furniture Repairman/Carpenter | 12.34 | 0 | 0 |
| Furniture Foreman/Carpenter | 12.74 | 1 | 23,567 |
| Glazier | 12.33 | 3 | 77,298 |
| Glazier Foreman | 12.73 | 1 | 26,585 |
| Grounds Foreman | 12.70 | 1 | 26,187 |
| Heavy Equipment Operator | 9.79 | 0 | 0 |
| Laborer | 7.10 | 24 | 399,837 |
| Laborer Foreman | 9.16 | 2 | 38,251 |
| Landscape/Motorpool Job Foreman | 12.73 | 2 | 31,988 |
| Landscaper | 7.78 | 1 | 16,285 |
| Locksmith/Carpenter | 12.34 | 0 | 0 |
| Machinist | 12.57 | 2 | 52,476 |
| Masonry Foreman | 12.74 | 1 | 26,647 |
| Office Machine Technician | 12.23 | 3 | 76,632 |
| Office Machine Foreman | 12.64 | 0 | 0 |
| Painter | 12.38 | 23 | 394,585 |
| Painter Job Foreman | 12.69 | 23 | 79,694 |
| Plasterer | 12.36 | 4 | 101,384 |
| (illegible) | 13.58 | 7 | 198,561 |
| (illegible) JOB FOREMAN | 13.79 | 0 | 0 |
| Roofer | 12.33 | 3 | 77,219 |
| Roofing Foreman | 12.73 | 0 | 0 |
| Sewer (illegible | 12.37 | 1 | 25.197 |
| Shades-Stage Equipment Repairman/Carpenter | 12.34 | 0 | 0 |
| Sheet Metal | 12.39 | 14 | 367,938 |
| Sheet Metal Job Foreman | 12.99 | 1 | 27,127 |
| Steamfitter | 13.51 | 4 | 112,943 |
| Tuckpointer | 11.51 | 17 | 301,918 |
| Tuckpointer Foreman | 12.34 | 0 | 0 |
| Warehouse Person | 9.12 | 4 | 74,235 |
| Warehouse Foreman | 9.82 | 2 | 39,882 |
| [Some numbers were almost illegible] | TOTALS | 171 | 4,425,729 |

## ATTACHMENT A-4

## TECHNICAL PAY SCALE

| LEVEL | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 1 | 1,245 | 1,317 | 1,389 | 1,459 | 1,533 | 1,602 |
| 2 | 1,317 | 1,389 | 1,459 | 1,533 | 1,602 | 1,675 |
| 3 | 1,389 | 1,459 | 1,533 | 1,602 | 1,675 | 1,748 |
| 4 | 1,459 | 1,533 | 1,602 | 1,675 | 1,748 | 1,819 |
| 5 | 1,533 | 1,602 | 1,675 | 1,748 | 1,819 | 1,892 |
| 6 | 1,602 | 1,675 | 1,748 | 1,819 | 1,892 | 1,962 |
| 7 | 1,675 | 1,748 | 1,819 | 1,892 | 1,962 | 2,034 |
| 8 | 1,748 | 1,819 | 1,892 | 1,962 | 2,034 | 2,105 |
| 9 | 1,819 | 1,892 | 1,962 | 2,034 | 2,105 | 2,178 |
| 10 | 1,892 | 1,962 | 2,034 | 2,105 | 2,178 | 2,250 |
| 11 | 1,962 | 2,034 | 2,105 | 2,179 | 2,250 | 2,320 |
| 12 | 2,034 | 2,105 | 2,178 | 2,250 | 2,320 | 2,393 |
| 13 | 2,075 | 2,146 | 2,217 | 2,287 | 2,358 | 2,428 |
| 14 | 2,146 | 2,217 | 2,287 | 2,358 | 2,428 | 2,499 |
| 15 | 2,217 | 2,287 | 2,358 | 2,428 | 2,499 | 2,571 |
| 16 | 2,287 | 2,358 | 2,428 | 2,499 | 2,571 | 2,640 |
| 17 | 2,358 | 2,428 | 2,499 | 2,571 | 2,640 | 2,712 |



## ATTACHMENT A-5

## PARAPROFESSIONAL PAY SCALE

| LEVEL | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 1 No H.S. or GED | 6.06 | 6.25 | 6.42 | 6.63 | 6.82 | 7.03 |
| 2 H.S. to 29 College Hours | 6.37 | 6.59 | 6.79 | 6.99 | 7.20 | 7.37 |
| 3 30 to 59 College Hours | 6.71 | 6.92 | 7.14 | 7.34 | 7.58 | 7.82 |
| 4 60 to 89 College Hours | 7.06 | 7.29 | 7.53 | 7.75 | 7.97 | 8.23 |
| 5 90 to 119 College Hours | 7.38 | 7.64 | 7.88 | 8.15 | 8.37 | 8.63 |
| 6 120+ College Hours | 7.84 | 8.07 | 8.31 | 8.57 | 8.85 | 9.12 |
| 7 Parent Trainer | | 7.38 | | | | |
| 8 Assistant Teacher | | | | | 7.71 | |
| 9 Assistant Social Worker | | | | | 7.71 | |
| 10 Transportation Paraprofessional | | | | | 7.15 Per Trip | |

## ATTACHMENT A-6

## OPERATING PAY SCALE

| LEVEL | STEP 1 | STEP 2 | STEP 3 | STEP 4 |
|---|---|---|---|---|
| Custodian Fireman | | | | |
| Class 1 and 2 | 10.44 | 10.59 | 10.76 | 11.00 |
| Class 3 and 4 | 10.26 | 10.39 | 10.57 | 10.81 |
| Relief Custodian Fireman | 10.44 | 10.59 | 10.76 | 11.00 |
| Fireman | | 8.52 | 8.69 | 9.06 |
| Custodian I | | 7.68 | 7.93 | 8.51 |
| Guard | | 7.52 | 7.68 | 8.13 |
| Custodian II | | 7.23 | 7.45 | 7.81 |
| Matron/Elevator Operator | | 6.69 | 6.83 | 7.15 |
| Parking Lot Attendant | | 8.52 | | |
| Assistant Custodian Helper | | 7.35 | | |
| Temporary Summer Helper | | 7.35 | | |
| Building Checker | | 7.35 | | |
| Lead Custodian | | 8.01 | 8.26 | 8.84 |

# ATTACHMENT A-7

## DATA PROCESSING SALARY SCHEDULE

## MARCH 1, 1990 ACTIVE DATA BASE

| POSITION | No. | Step 1 | No. | Step 2 | No. | Step 3 | No. | Step 4 | No. | Step 5 | No. | Step 6 | No. | Step 7 | No. | Step 8 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Sr. Comm Analyst | 0 | 34,227 | 0 | 35,708 | 0 | 37,189 | 0 | 38,671 | 0 | 40,153 | 0 | 41,635 | 0 | 43,115 | 0 | 44,598 | 0 |
| User Liaison | 0 | 25,929 | 0 | 27,411 | 0 | 28,892 | 0 | 29,336 | 0 | 31,855 | 0 | 33,337 | 0 | 34,818 | 0 | 36,301 | 0 |
| Telephone Coordinator | 0 | 18,669 | 0 | 19,409 | 1 | 20,151 | 0 | 20,891 | 0 | 21,632 | 0 | 22,354 | 0 | 23,107 | 0 | 23,855 | 20,151 |
| PC/Local Network Analyst | 0 | 25,929 | 0 | 27,411 | 0 | 28,892 | 1 | 30,374 | 0 | 31,855 | 0 | 33,337 | 0 | 34,818 | 0 | 36,301 | 30,374 |
| DP Manager | 0 | 41,487 | 1 | 42,969 | 0 | 44,449 | 2 | 45,931 | 1 | 47,413 | 0 | 48,895 | 0 | 50,376 | 0 | 51,858 | 182,244 |
| Sr. Systems Programmer | 0 | 37,338 | 0 | 38,819 | 0 | 40,301 | 0 | 41,782 | 0 | 43,264 | 0 | 44,746 | 0 | 46,227 | 0 | 47,710 | 0 |
| Data Base Administrator | 0 | 37,338 | 0 | 38,819 | 0 | 40,301 | 0 | 41,782 | 0 | 43,264 | 0 | 44,746 | 0 | 46,227 | 0 | 47,710 | 0 |
| Senior Programmer/ Analyst | 0 | 36,301 | 0 | 37,782 | 2 | 39,263 | 0 | 41,306 | 1 | 42,227 | 0 | 43,709 | 0 | 45,190 | 0 | 46,673 | 120,754 |
| Systems Programmer | 0 | 33,189 | 1 | 34,671 | 0 | 36,152 | 0 | 37,634 | 0 | 39,116 | 0 | 40,597 | 0 | 42,078 | 0 | 43,561 | 34,671 |
| Programmer/Analyst | 0 | 33,189 | 1 | 34,671 | 0 | 36,152 | 0 | 37,634 | 0 | 39,116 | 0 | 40,597 | 0 | 42,078 | 0 | 43,561 | 34,671 |
| Sr. User Liaison | 0 | 33,189 | 1 | 34,671 | 0 | 36,152 | 0 | 37,634 | 0 | 39,116 | 0 | 40,597 | 0 | 42,078 | 0 | 43,561 | 34,671 |
| Jr. Programmer | 0 | 23,855 | 0 | 24,892 | 0 | 25,929 | 2 | 26,966 | 0 | 28,004 | 0 | 29,041 | 0 | 30,078 | 0 | 31,115 | 53,933 |
| Operation Controller | 0 | 25,929 | 1 | 27,411 | 0 | 28,892 | 0 | 29,336 | 0 | 31,855 | 0 | 33,337 | 0 | 34,818 | 0 | 36,301 | 27,411 |
| Hdwe Teck/Computer Operator | 0 | 20,743 | 0 | 21,781 | 1 | 22,818 | 3 | 23,855 | 0 | 24,892 | 1 | 25,929 | 0 | 26,966 | 0 | 28,004 | 120,311 |
| Lead Data Entry/ Data Control | 0 | 18,669 | 0 | 19,409 | 0 | 20,151 | 1 | 20,891 | 0 | 21,632 | 0 | 22,372 | 0 | 23,113 | 0 | 23,855 | 20,891 |
| Data Entry/ Data Control | 0 | 15,558 | 0 | 16,298 | 0 | 17,039 | 0 | 17,780 | 0 | 18,520 | 0 | 19,261 | 1 | 20,002 | 0 | 20,743 | 20,002 |
| Help Desck Technician | 0 | 15,558 | 0 | 16,298 | 0 | 17,039 | 0 | 17,780 | 0 | 18,520 | 2 | 19,261 | 0 | 20,002 | 0 | 20,743 | 38,521 |
| Report Distribution Clerk | 0 | 15,558 | 0 | 16,298 | 0 | 17,039 | 0 | 17,780 | 0 | 18,520 | 0 | 19,261 | 0 | 20,002 | 0 | 20,743 | 0 |
| Operations Scheduler | 0 | 23,855 | 0 | 24,892 | 0 | 25,929 | 0 | 26,966 | 0 | 28,004 | 0 | 29,041 | 0 | 30,078 | 0 | 31,146 | 0 |
| | | | | | | | | | | | | | | | | GRAND TOTAL | 738,605 |
| | | | | | | | | | | | | | | | | | 46794.00 |

## ATTACHMENT A-8

## FOOD SERVICE PAY SCALES

| LEVEL | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| Secondary Manager | 374 | 384 | 394 | 404 | 413 | 424 |
| Elementary Manager | 291 | 285 | 290 | 300 | 307 | |
| Porter | 5.96 | 6.17 | 6.29 | 6.42 | | |
| Cashier | 5.96 | 6.17 | 6.29 | | | |
| Cook | 5.96 | 6.17 | 6.29 | | | |
| Helper | 5.75 | 5.88 | | | | |

---

## REVISED ATTACHMENT A-9

## THE SCHOOL DISTRICT OF

## KANSAS CITY, MISSOURI

**Human Resources Division**

## MAINTENANCE, GENERAL FOREMAN
## AREA OPERATIONS MANAGER
## BUILDING INSPECTOR
## WAREHOUSE FOREMAN

**MONTHLY (Calendar) SALARY SCHEDULE**

| Level | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 |
|---|---|---|---|---|---|
| A | $2,424 | $2,488 | $2,549 | $2,611 | $2,672 |



## THE SCHOOL DISTRICT OF
## KANSAS CITY, MISSOURI

**Human Resources Division**

## SECONDARY SCHOOL BUILDING MANAGER

**MONTHLY (Calendar) SALARY SCHEDULE**

**261 DAYS PER YEAR**

| LEVEL | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 |
|---|---|---|---|---|---|
| A. Class #3 Building Mgr. | 1,868 | 1,928 | 1,991 | 2,054 | 2,114 |
| B. Class #2 Building Mgr. | 1,991 | 2,054 | 2,114 | 2,177 | 2,240 |
| C. Class #1 Building Mgr. | 2,114 | 2,177 | 2,240 | 2,300 | 2,365 |

| | |
|---|---|
| Class #3 Buildings | Bingham Middle, Central Middle, Lincoln Middle, Westport Middle, Nowlin Middle, S.E. Middle |
| Class #2 Buildings | East, Lincoln College Prep, N.E. Middle, Paseo, Southeast Sr., Van Horn, Westport, K.C. Middle, K.C. School of the Arts. |
| Class #1 | Administration & Library Bldg (#1 Mgr), Custodian Trainer & Relief Building Mgr., Central, King-Weeks, Southwest, K.C. Tech, Northeast Sr. |

ALL LEVELS EXEMPT FROM OVERTIME PAYMENT EXCEPT FOR "PERMIT" TIME & SPECIAL ASSIGNMENTS APPROVED BY THE DIRECTOR OF FACILITIES & TRANSPORTATION.

## ATTACHMENT A-10

## SECRETARIES PAY SCALES

| STEP | CLERK | SEC. B | SEC. A | EXEC. SEC |
|---|---|---|---|---|
| C | 1,016 | 1,109 | 1,203 | 1,296 |
| D | 1,062 | 1,157 | 1,248 | 1,340 |
| E | 1,109 | 1,203 | 1,296 | 1,386 |
| F | 1,157 | 1,248 | 1,340 | 1,433 |
| G | 1,203 | 1,296 | 1,386 | 1,480 |
| H | 1,248 | 1,340 | 1,433 | 1,526 |
| I | 1,296 | 1,386 | 1,480 | 1,572 |
| J | 1,340 | 1,433 | 1,526 | 1,619 |

## ATTACHMENT A-11

## THE SCHOOL DISTRICT OF KANSAS CITY, MISSOURI

**Human Resources Division**

## SECURITY OFFICER

## HOURLY SALARY

| STEP 1 | STEP 2 | STEP 3 | STEP 4* |
|---|---|---|---|
| $9.04 | $9.37 | $9.69 | $10.01 |

NOT EXEMPT FROM OVERTIME

*Officer progression to step 4 is contingent upon the satisfactory completion of three years service plus 30 hours of advanced education, workshop or in-service, exclusive of annual orientation sessions, related to the job and approved in advance by the Director of Facilities and Transportation and by the Director of Human Resources.



## ATTACHMENT A-12

## NURSES SALARY SCHEDULE

**CURRENT YEAR**

**REGISTERED NURSES**

**March 1, 1990 Active Data Base**

| STEP | ANNUAL | NO | COST |
|---|---|---|---|
| 1 | 19,304 | 0 | 0 |
| 2 | 19,107 | 1 | 19,107 |
| 3 | 19,543 | 0 | 0 |
| 4 | 20,179 | 0 | 0 |
| 5 | 20,725 | 0 | 0 |
| 6 | 21,579 | 0 | 0 |
| 7 | 21,878 | 16 | 349,406 |

**LICENSED PRACTICAL NURSES**

| STEP | ANNUAL | NO | COST | |
|---|---|---|---|---|
| 1 | 12,739 | 0 | 0 | 169,933 |
| 2 | 12,869 | 2 | 25,736 | 85,189 |
| 3 | 13,135 | 1 | 13,295 | |
| 4 | 13,390 | 11 | 152,024 | |
| | TOTALS | 31 | 559,558 | 18.050 |

[Some numbers were almost illegible]

## ATTACHMENT A-13

## EXTRA PAY ASSIGNMENT SCHEDULE 1990-91

Middle Schools

Intramurals (As Certified)

| | |
|---|---|
| 53 Afternoons | 1,000.00 |
| 35 Afternoons | 750.00 |
| 18 Afternoons | 500.00 |

| | |
|---|---|
| Director - Band AND Orchestra | 3,000.00 Year |
| Director - Band OR Orchestra | 1,500.00 Year |
| Director - Varsity Mixed Choir | 1,500.00 Year |
| Director - Intermediate Choir | 1,250.00 Year |

Visual/Performing Arts (Dramatics, Musicals, Dance, Creative and Technical) Coach. Each Production (Maximum 6 Per Year) ..... 500.00

Extra Curricular or Magnet Club or Activity Sponsor

| | |
|---|---|
| 6-20 Students Participating | 500.00 Year |
| 21-50 Students Participating | 750.00 Year |
| 51 or More Students Participating | 1,000.00 Year |

| | |
|---|---|
| Newspaper Sponsor | 2,000.00 Year |
| Yearbook Sponsor | 2,000.00 Year |
| Internal Finance - Accounting | 1,000.00 Year |

Audiovisual Coordinator

| | |
|---|---|
| Less than 1,000 Enrollment | 1,250.00 Year |
| 1,001 to 1,500 Enrollment | 1,500.00 Year |
| 1,501 to 2,000 Enrollment | 1,750.00 Year |
| 2,001 Or More Enrollment | 2,000.00 Year |



All Teachers* *THE FOLLOWING IS SUBJECT TO FURTHER ANALYSIS AND DISCUSSION BETWEEN THE DISTRICT AND THE A.F.T.

Workshop -(Summer or Off Duty Hours)

Workshop Rates Subject to Funding Agency Limitations

| | |
|---|---|
| Participant | Regular Hourly Rate of Pay |
| Instructor | Regular Hourly Rate of Pay |
| Supervisor | Regular Hourly Rate of Pay |

Evening School

| | |
|---|---|
| Instructor | Regular Hourly Rate of Pay |
| Supervisor | Regular Hourly Rate of Pay |

Substituting

Extra Hour Assignment or Temporary Substituting .... Regular Hourly Rate of Pay

Elementary-Temporary Substituting ..... Regular Hourly Rate of Pay

These schedules apply to teachers only and are paid for tasks outside the scope of normal duties performed outside of regularly scheduled hours. Persons who complete an extra pay assignment shall receive full pay within forty-five (45) days of completion of extra pay activity.